

1 A bill to be entitled  
2 An act relating to environmental resource management;  
3 providing a short title; requiring the Department of  
4 Health to provide a report regarding the Onsite Sewage  
5 Program to the Governor and Legislature by a specified  
6 date; directing the Department of Health and the  
7 Department of Environmental Protection to submit  
8 recommendations regarding the transfer of the program  
9 to the Governor and Legislature by a specified date;  
10 requiring the departments to enter into an interagency  
11 agreement that meets certain requirements by a  
12 specified date; transferring the Onsite Sewage Program  
13 in the Department of Health to the Department of  
14 Environmental Protection; providing that certain  
15 employees retain and transfer certain types of leave  
16 upon the transfer; amending s. 20.255, F.S.; revising  
17 the number of Cabinet members required to concur with  
18 the appointment of the Secretary of Environmental  
19 Protection; amending s. 373.036, F.S.; directing water  
20 management districts to submit consolidated annual  
21 reports to the Office of Economic and Demographic  
22 Research; requiring such reports to include connection  
23 and conversion projects for onsite sewage treatment  
24 and disposal systems; amending s. 373.223, F.S.;  
25 requiring the Department of Environmental Protection,

26        in coordination with the water management districts,  
27        to conduct a study on the bottled water industry in  
28        this state; providing requirements for the study;  
29        requiring the department to submit a report containing  
30        the findings of the study to the Governor and the  
31        Legislature by a specified date; prohibiting the  
32        approval of certain permits; providing exceptions;  
33        amending s. 373.4131, F.S.; requiring the Department  
34        of Environmental Protection to include stormwater  
35        structural control inspections as part of its regular  
36        staff training; requiring the department and the water  
37        management districts to adopt rules regarding  
38        stormwater design and operation regulations by a  
39        specified date and address specified information as  
40        part of such rule development; requiring the  
41        department to evaluate data relating to self-  
42        certification and provide the Legislature with  
43        recommendations for improvements; amending s.  
44        381.0065, F.S.; authorizing the use of specified  
45        nutrient reducing onsite sewage treatment and disposal  
46        systems to meet certain total maximum daily load  
47        requirements; requiring the Department of  
48        Environmental Protection to adopt rules relating to  
49        the location of onsite sewage treatment and disposal  
50        systems and complete such rulemaking by a specified

51        date; providing requirements for such rules; requiring  
52        the department to determine that a hardship exists for  
53        certain variance applicants; providing a definition;  
54        providing that certain provisions relating to existing  
55        setback requirements are applicable to permits only  
56        until the effective date of certain rules adopted by  
57        the department; removing provisions requiring certain  
58        onsite sewage treatment and disposal system research  
59        projects to be approved by a Department of Health  
60        technical review and advisory panel; removing  
61        provisions prohibiting the award of research projects  
62        to certain entities; removing provisions establishing  
63        a Department of Health onsite sewage treatment and  
64        disposal system research review and advisory  
65        committee; conforming provisions to changes made by  
66        the act; amending s. 381.00651, F.S.; directing county  
67        health departments to coordinate with the Department  
68        of Environmental Protection to administer onsite  
69        sewage treatment and disposal system evaluation and  
70        assessment programs; conforming provisions to changes  
71        made by the act; creating s. 381.00652, F.S.;  
72        authorizing the Department of Environmental  
73        Protection, in consultation with the Department of  
74        Health, to appoint an onsite sewage treatment and  
75        disposal systems technical advisory committee;

76 providing for committee purpose, membership, and  
77 expiration; requiring the committee to submit its  
78 recommendations to the Governor and Legislature;  
79 repealing s. 381.0068, F.S., relating to the  
80 Department of Health onsite sewage treatment and  
81 disposal systems technical review and advisory panel;  
82 amending s. 403.061, F.S.; requiring the department to  
83 adopt rules relating to domestic wastewater collection  
84 and transmission system pipe leakages and inflow and  
85 infiltration; requiring the department to adopt rules  
86 to require public utilities or their affiliated  
87 companies holding, applying for, or renewing a  
88 domestic wastewater discharge permit to file certain  
89 annual reports and data with the department; creating  
90 s. 403.0616, F.S.; requiring the department, subject  
91 to legislative appropriation, to establish a real-time  
92 water quality monitoring program; encouraging the  
93 formation of public-private partnerships; amending s.  
94 403.067, F.S.; requiring basin management action plans  
95 for nutrient total maximum daily loads to include  
96 wastewater treatment and onsite sewage treatment and  
97 disposal system remediation plans that meet certain  
98 requirements; requiring the Department of Agriculture  
99 and Consumer Services to collect fertilizer  
100 application records from certain agricultural

producers and provide the information to the department annually by a specified date; requiring the Department of Agriculture and Consumer Services to perform onsite inspections of the agricultural producers at specified intervals; providing for prioritization of such inspections; requiring certain basin management action plans to include cooperative agricultural regional water quality improvement elements; authorizing the Department of Agriculture and Consumer Services, in cooperation with specified entities, to annually develop research plans and legislative budget requests relating to best management practices by a specified date; requiring such entities to submit such plans to the Department of Environmental Protection and the Department of Agriculture and Consumer Services by a specific date; requiring the Department of Environmental Protection to work with specified entities to consider the adoption of best management practices for nutrient impacts from golf courses; creating s. 403.0671, F.S.; directing the Department of Environmental Protection, in coordination with specified entities, to submit a report regarding wastewater projects identified in the basin management action plans to the Governor and Legislature by a specified date and to submit certain

wastewater project cost estimates to the Office of  
Economic and Demographic Research; creating s.  
403.0673, F.S.; establishing a wastewater grant  
program within the Department of Environmental  
Protection; authorizing the department to distribute  
appropriated funds for certain projects; providing  
requirements for the distribution; requiring the  
department to coordinate with each water management  
district to identify grant recipients; requiring an  
annual report to the Governor and Legislature by a  
specified date; creating s. 403.0855, F.S.; providing  
legislative findings regarding the regulation of  
biosolids management in this state; requiring the  
department to adopt rules for biosolids management;  
providing that such rules are not effective until  
ratified by the Legislature; providing permitting  
requirements for biosolids land application sites and  
facilities; requiring biosolids application sites and  
facilities to be enrolled in a specified best  
management practices program or be within a specified  
agricultural operation; providing requirements for the  
land application of biosolids; providing a definition;  
authorizing the enforcement or extension of certain  
local government regulations relating to the land  
application of biosolids until such regulations are

repealed; amending s. 403.086, F.S.; prohibiting  
sewage disposal facilities from disposing waste into  
the Indian River Lagoon beginning on a specified date  
without certain advanced waste treatment; directing  
the Department of Environmental Protection, in  
consultation with specified entities, to submit a  
report to the Governor and Legislature by a specified  
date; requiring sewage disposal facilities to have a  
power outage contingency plan, to take steps to  
prevent overflows and leaks and ensure that the  
wastewater reaches the facility for appropriate  
treatment, and to provide the Department of  
Environmental Protection with certain information;  
requiring the department to adopt rules; limiting the  
scope of such rules; authorizing utilities and  
operating entities to consolidate certain reports;  
providing that specified compliance is evidence in  
mitigation for assessment of certain penalties;  
amending s. 403.087, F.S.; requiring the department to  
issue operation permits for certain domestic  
wastewater treatment facilities under certain  
circumstances; amending s. 403.088, F.S.; revising the  
permit conditions for a water pollution operation  
permit; requiring the department to submit a report  
identifying all domestic wastewater treatment

176 facilities that experienced sanitary sewer overflows  
177 to the Governor and Legislature by a specified date;  
178 amending s. 403.0891, F.S.; requiring model stormwater  
179 management programs to contain model ordinances for  
180 nutrient reduction practices and green infrastructure;  
181 amending s. 403.121, F.S.; revising administrative  
182 penalties for violations of ch. 403, F.S.; amending  
183 ss. 403.1835 and 403.1838, F.S.; requiring the  
184 Department of Environmental Protection to give funding  
185 priority to certain domestic wastewater utility  
186 projects; amending s. 403.412, F.S.; prohibiting local  
187 governments from recognizing or granting certain legal  
188 rights to the natural environment or granting such  
189 rights relating to the natural environment to a person  
190 or political subdivision; providing construction;  
191 providing a determination and declaration of important  
192 state interest; amending ss. 153.54, 153.73, 163.3180,  
193 180.03, 311.105, 327.46, 373.250, 373.414, 373.705,  
194 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006,  
195 381.0061, 381.0064, 381.0101, 403.08601, 403.0871,  
196 403.0872, 403.707, 403.861, 489.551, and 590.02, F.S.;  
197 conforming cross-references and provisions to changes  
198 made by the act; providing a directive to the Division  
199 of Law Revision; providing effective dates.  
200



Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Clean Waterways Act."

Section 2. (1) By July 1, 2020, the Department of Health must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the following information regarding the Onsite Sewage Program:

(a) The average number of permits issued each year;

(b) The number of department employees conducting work on or related to the program each year; and

(c) The program's costs and expenditures, including, but not limited to, salaries and benefits, equipment costs, and contracting costs.

(2) By December 31, 2020, the Department of Health and the Department of Environmental Protection shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the type two transfer of the Onsite Sewage Program in subsection (4). The recommendations must address all aspects of the type two transfer, including the continued role of the county health departments in the permitting, inspection, and tracking of onsite sewage treatment and disposal systems under the direction of the Department of Environmental Protection.

226       (3) By June 30, 2021, the Department of Health and the  
227       Department of Environmental Protection shall enter into an  
228       interagency agreement based on the recommendations required  
229       under subsection (2) and on recommendations from a plan that  
230       must address all agency cooperation for a period of not less  
231       than 5 years after the transfer, including:

232       (a) The continued role of the county health departments in  
233       the permitting, inspection, data management, and tracking of  
234       onsite sewage treatment and disposal systems under the direction  
235       of the Department of Environmental Protection.

236       (b) The appropriate proportionate number of  
237       administrative, auditing, inspector general, attorney, and  
238       operational support positions, and their related funding levels  
239       and sources and assigned property, to be transferred from the  
240       Office of General Counsel, the Office of Inspector General, and  
241       the Division of Administrative Services or other relevant  
242       offices or divisions within the Department of Health to the  
243       Department of Environmental Protection.

244       (c) The development of a recommended plan to address the  
245       transfer or shared use of buildings, regional offices, and other  
246       facilities used or owned by the Department of Health.

247       (d) Any operating budget adjustments that are necessary to  
248       implement the requirements of this act. Adjustments made to the  
249       operating budgets of the agencies in the implementation of this  
250       act must be made in consultation with the appropriate

substantive and fiscal committees of the Senate and the House of Representatives. The revisions to the approved operating budgets for the 2021-2022 fiscal year which are necessary to reflect the organizational changes made by this act must be implemented pursuant to s. 216.292(4)(d), Florida Statutes, and are subject to s. 216.177, Florida Statutes. Subsequent adjustments between the Department of Health and the Department of Environmental Protection which are determined necessary by the respective agencies and approved by the Executive Office of the Governor are authorized and subject to s. 216.177, Florida Statutes. The appropriate substantive committees of the Senate and the House of Representatives must also be notified of the proposed revisions to ensure their consistency with legislative policy and intent.

(4) Effective July 1, 2021, all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the regulation of onsite sewage treatment and disposal systems relating to the Onsite Sewage Program in the Department of Health are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Environmental Protection.

(5) Notwithstanding chapter 60L-34, Florida Administrative

Code, or any law to the contrary, employees who are transferred from the Department of Health to the Department of Environmental Protection to fill positions transferred by this act retain and transfer any accrued annual leave, sick leave, and regular and special compensatory leave balances.

Section 3. Subsection (1) of section 20.255, Florida Statutes, is amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(1) The head of the Department of Environmental Protection shall be a secretary, who shall be appointed by the Governor, with the concurrence of two or more ~~three~~ members of the Cabinet. The secretary shall be confirmed by the Florida Senate. The secretary shall serve at the pleasure of the Governor.

Section 4. Paragraphs (a) and (b) of subsection (7) of section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(a) By March 1, annually, each water management district shall prepare and submit to the Office of Economic and Demographic Research, the department, the Governor, the President of the Senate, and the Speaker of the House of Representatives a consolidated water management district annual report on the management of water resources. In addition, copies

301 must be provided by the water management districts to the chairs  
302 of all legislative committees having substantive or fiscal  
303 jurisdiction over the districts and the governing board of each  
304 county in the district having jurisdiction or deriving any funds  
305 for operations of the district. Copies of the consolidated  
306 annual report must be made available to the public, either in  
307 printed or electronic format.

308 (b) The consolidated annual report shall contain the  
309 following elements, as appropriate to that water management  
310 district:

311 1. A district water management plan annual report or the  
312 annual work plan report allowed in subparagraph (2)(e)4.

313 2. The department-approved minimum flows and minimum water  
314 levels annual priority list and schedule required by s.  
315 373.042(3).

316 3. The annual 5-year capital improvements plan required by  
317 s. 373.536(6)(a)3.

318 4. The alternative water supplies annual report required  
319 by s. 373.707(8)(n).

320 5. The final annual 5-year water resource development work  
321 program required by s. 373.536(6)(a)4.

322 6. The Florida Forever Water Management District Work Plan  
323 annual report required by s. 373.199(7).

324 7. The mitigation donation annual report required by s.  
325 373.414(1)(b)2.

326 8. Information on all projects related to water quality or  
327 water quantity as part of a 5-year work program, including:

328 a. A list of all specific projects identified to implement  
329 a basin management action plan, including any projects to  
330 connect onsite sewage treatment and disposal systems to central  
331 sewerage systems and convert onsite sewage treatment and  
332 disposal systems to enhanced nutrient reducing onsite sewage  
333 treatment and disposal systems, or a recovery or prevention  
334 strategy;

335 b. A priority ranking for each listed project for which  
336 state funding through the water resources development work  
337 program is requested, which must be made available to the public  
338 for comment at least 30 days before submission of the  
339 consolidated annual report;

340 c. The estimated cost for each listed project;

341 d. The estimated completion date for each listed project;

342 e. The source and amount of financial assistance to be  
343 made available by the department, a water management district,  
344 or other entity for each listed project; and

345 f. A quantitative estimate of each listed project's  
346 benefit to the watershed, water body, or water segment in which  
347 it is located.

348 9. A grade for each watershed, water body, or water  
349 segment in which a project listed under subparagraph 8. is  
350 located representing the level of impairment and violations of

351 adopted minimum flow or minimum water levels. The grading system  
352 must reflect the severity of the impairment of the watershed,  
353 water body, or water segment.

354 Section 5. Subsections (7) and (8) are added to section  
355 373.223, Florida Statutes, to read:

356 373.223 Conditions for a permit.—

357 (7) The department shall, in coordination with the water  
358 management districts, conduct a study on the bottled water  
359 industry in the state.

360 (a) The study shall:

361 1. Identify all springs statewide that have an associated  
362 consumptive use permit for a bottled water facility producing  
363 its product with water derived from a spring. Such  
364 identification must include:

365 a. The magnitude of the spring;

366 b. Whether the spring has been identified as an  
367 Outstanding Florida Spring as defined in s. 373.802;

368 c. Any department or water management district adopted  
369 minimum flow or minimum water levels, the status of any adopted  
370 minimum flow or minimum water levels, and any associated  
371 recovery or prevention strategy;

372 d. The permitted and actual use associated with the  
373 consumptive use permits;

374 e. The reduction in flow associated with the permitted and  
375 actual use associated with the consumptive use permits;

376 f. The impact on springs of bottled water facilities as  
377 compared to other users; and

378 g. Types of water conservation measures employed at  
379 bottled water facilities permitted to derive water from a  
380 spring.

381 2. Identify the labeling and marketing regulations  
382 associated with the identification of bottled water as spring  
383 water, including whether these regulations incentivize the  
384 withdrawal of water from springs.

385 3. Evaluate the direct and indirect economic benefits to  
386 the local communities resulting from bottled water facilities  
387 that derive water from springs, including, but not limited to,  
388 tax revenue, job creation, and wages.

389 4. Evaluate the direct and indirect costs to the local  
390 communities located in proximity to springs impacted by  
391 withdrawals from bottled water production, including, but not  
392 limited to, the decreased recreational value of the spring and  
393 the cost to other users for the development of alternative water  
394 supply or reductions in permit durations and allocations.

395 5. Include a cost-benefit analysis of withdrawing,  
396 producing, marketing, selling, and consuming spring water as  
397 compared to other sources of bottled water.

398 6. Evaluate how much bottled water derived from Florida  
399 springs is sold in this state.

400 (b) By June 30, 2021, the department shall submit a report



401 containing the findings of the study to the Governor, the  
402 President of the Senate, the Speaker of the House of  
403 Representatives, and the Office of Economic and Demographic  
404 Research.

405 (c) As used in this section, the term "bottled water" has  
406 the same meaning as in s. 500.03, and the term "water derived  
407 from a spring" means water derived from an underground formation  
408 from which water flows naturally to the surface of the earth in  
409 the manner described in 21 C.F.R. 165.110(a)(2)(vi).

410 (8) Beginning July 1, 2020, a new consumptive use permit,  
411 or the renewal or modification of a consumptive use permit, that  
412 authorizes the use of water derived from a spring for bottled  
413 water may not be approved by the governing board or the  
414 department unless, in the case of a renewal or modification, the  
415 application for renewal or modification was submitted to the  
416 department or water management district prior to January 1,  
417 2020. This subsection shall expire on June 30, 2022.

418 Section 6. Subsection (5) of section 373.4131, Florida  
419 Statutes, is amended, and subsection (6) is added to that  
420 section, to read:

421 373.4131 Statewide environmental resource permitting  
422 rules.—

423 (5) To ensure consistent implementation and interpretation  
424 of the rules adopted pursuant to this section, the department  
425 shall conduct or oversee regular assessment and training of its

staff and the staffs of the water management districts and local governments delegated local pollution control program authority under s. 373.441. The training must include coordinating field inspections of publicly and privately owned stormwater structural controls, such as stormwater retention and detention ponds.

(6) By January 1, 2021:

(a) The department and the water management districts shall initiate rulemaking to update the stormwater design and operation regulations, including updates to the Environmental Resource Permit Applicant's Handbooks, using the most recent scientific information available. As part of rule development, the department shall consider and address low-impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges, and measures for consistent application of the net improvement performance standard to ensure significant reductions of any pollutant loadings to a waterbody.

(b) The department shall evaluate inspection data relating to compliance by those entities that submit a self-certification under s. 403.814(12) and provide the Legislature with recommendations for improvements to the self-certification process.

Section 7. Subsection (7) is added to section 381.0065, Florida Statutes, to read:

381.0065 Onsite sewage treatment and disposal systems;  
regulation.—

(7) USE OF ENHANCED NUTRIENT REDUCING ONSITE SEWAGE  
TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
total maximum daily load, the department shall implement a fast-  
track approval process of no longer than 6 months for the  
determination of the use of American National Standards  
Institute 245 systems approved by the NSF International before  
July 1, 2020.

Section 8. Effective July 1, 2021, paragraphs (d) and (e)  
and (g) through (q) of subsection (2) of section 381.0065,  
Florida Statutes, are redesignated as paragraphs (e) and (g) and  
(h) through (r), respectively, subsections (3) and (4) are  
amended, and a new paragraph (d) is added to subsection (2) of  
that section, to read:

381.0065 Onsite sewage treatment and disposal systems;  
regulation.—

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
term:

(d) "Department" means the Department of Environmental  
Protection.

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL  
PROTECTION ~~HEALTH~~.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067,  
including definitions that are consistent with the definitions

476 in this section, ~~decreases to setback requirements where no~~  
477 ~~health hazard exists,~~ increases for the lot-flow allowance for  
478 performance-based systems, requirements for separation from  
479 water table elevation during the wettest season, requirements  
480 for the design and construction of any component part of an  
481 onsite sewage treatment and disposal system, application and  
482 permit requirements for persons who maintain an onsite sewage  
483 treatment and disposal system, requirements for maintenance and  
484 service agreements for aerobic treatment units and performance-  
485 based treatment systems, and recommended standards, including  
486 disclosure requirements, for voluntary system inspections to be  
487 performed by individuals who are authorized by law to perform  
488 such inspections and who shall inform a person having ownership,  
489 control, or use of an onsite sewage treatment and disposal  
490 system of the inspection standards and of that person's  
491 authority to request an inspection based on all or part of the  
492 standards.

493 (b) Perform application reviews and site evaluations,  
494 issue permits, and conduct inspections and complaint  
495 investigations associated with the construction, installation,  
496 maintenance, modification, abandonment, operation, use, or  
497 repair of an onsite sewage treatment and disposal system for a  
498 residence or establishment with an estimated domestic sewage  
499 flow of 10,000 gallons or less per day, or an estimated  
500 commercial sewage flow of 5,000 gallons or less per day, which

501 is not currently regulated under chapter 403.

502 (c) Develop a comprehensive program to ensure that onsite  
503 sewage treatment and disposal systems regulated by the  
504 department are sized, designed, constructed, installed, sited,  
505 repaired, modified, abandoned, used, operated, and maintained in  
506 compliance with this section and rules adopted under this  
507 section to prevent groundwater contamination, including impacts  
508 from nutrient pollution, and surface water contamination and to  
509 preserve the public health. The department is the final  
510 administrative interpretive authority regarding rule  
511 interpretation. In the event of a conflict regarding rule  
512 interpretation, the Secretary of Environmental Protection ~~State~~  
513 ~~Surgeon General~~, or his or her designee, shall timely assign a  
514 staff person to resolve the dispute.

515 (d) Grant variances in hardship cases under the conditions  
516 prescribed in this section and rules adopted under this section.

517 (e) Permit the use of a limited number of innovative  
518 systems for a specific period of time, when there is compelling  
519 evidence that the system will function properly and reliably to  
520 meet the requirements of this section and rules adopted under  
521 this section.

522 (f) Issue annual operating permits under this section.

523 (g) Establish and collect fees as established under s.  
524 381.0066 for services provided with respect to onsite sewage  
525 treatment and disposal systems.

526 (h) Conduct enforcement activities, including imposing  
527 fines, issuing citations, suspensions, revocations, injunctions,  
528 and emergency orders for violations of this section, part I of  
529 chapter 386, or part III of chapter 489 or for a violation of  
530 any rule adopted under this section, part I of chapter 386, or  
531 part III of chapter 489.

532 (i) Provide or conduct education and training of  
533 department personnel, service providers, and the public  
534 regarding onsite sewage treatment and disposal systems.

535 (j) Supervise research on, demonstration of, and training  
536 on the performance, environmental impact, and public health  
537 impact of onsite sewage treatment and disposal systems within  
538 this state. Research fees collected under s. 381.0066(2)(k) must  
539 be used to develop and fund hands-on training centers designed  
540 to provide practical information about onsite sewage treatment  
541 and disposal systems to septic tank contractors, master septic  
542 tank contractors, contractors, inspectors, engineers, and the  
543 public and must also be used to fund research projects which  
544 focus on improvements of onsite sewage treatment and disposal  
545 systems, including use of performance-based standards and  
546 reduction of environmental impact. Research projects shall be  
547 ~~initially approved by the technical review and advisory panel~~  
548 ~~and shall be~~ applicable to and reflect the soil conditions  
549 specific to the state Florida. Such projects shall be awarded  
550 through competitive negotiation, using the procedures provided

551 in s. 287.055, to public or private entities that have  
552 experience in onsite sewage treatment and disposal systems in  
553 the state Florida and that are principally located in the state  
554 Florida. ~~Research projects shall not be awarded to firms or~~  
555 ~~entities that employ or are associated with persons who serve on~~  
556 ~~either the technical review and advisory panel or the research~~  
557 ~~review and advisory committee.~~

558 (k) Approve the installation of individual graywater  
559 disposal systems in which blackwater is treated by a central  
560 sewerage system.

561 (l) Regulate and permit the sanitation, handling,  
562 treatment, storage, reuse, and disposal of byproducts from any  
563 system regulated under this chapter ~~and not regulated by the~~  
564 ~~Department of Environmental Protection.~~

565 (m) Permit and inspect portable or temporary toilet  
566 services and holding tanks. The department shall review  
567 applications, perform site evaluations, and issue permits for  
568 the temporary use of holding tanks, privies, portable toilet  
569 services, or any other toilet facility that is intended for use  
570 on a permanent or nonpermanent basis, including facilities  
571 placed on construction sites when workers are present. The  
572 department may specify standards for the construction,  
573 maintenance, use, and operation of any such facility for  
574 temporary use.

575 (n) Regulate and permit maintenance entities for

576 performance-based treatment systems and aerobic treatment unit  
577 systems. To ensure systems are maintained and operated according  
578 to manufacturer's specifications and designs, the department  
579 shall establish by rule minimum qualifying criteria for  
580 maintenance entities. The criteria shall include+ training,  
581 access to approved spare parts and components, access to  
582 manufacturer's maintenance and operation manuals, and service  
583 response time. The maintenance entity shall employ a contractor  
584 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
585 a state-licensed wastewater plant operator, who is responsible  
586 for maintenance and repair of all systems under contract.

587 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
588 not construct, repair, modify, abandon, or operate an onsite  
589 sewage treatment and disposal system without first obtaining a  
590 permit approved by the department. The department may issue  
591 permits to carry out this section, ~~but shall not make the~~  
592 ~~issuance of such permits contingent upon prior approval by the~~  
593 ~~department of Environmental Protection~~, except that the issuance  
594 of a permit for work seaward of the coastal construction control  
595 line established under s. 161.053 shall be contingent upon  
596 receipt of any required coastal construction control line permit  
597 from the department ~~of Environmental Protection~~. A construction  
598 permit is valid for 18 months after ~~from~~ the date of issuance  
599 ~~date~~ and may be extended by the department for one 90-day period  
600 under rules adopted by the department. A repair permit is valid



for 90 days after ~~from~~ the date of issuance. An operating permit must be obtained before ~~prior to~~ the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after ~~from~~ the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after ~~from~~ the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A ~~There is no fee~~ is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own

owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow

651 does not exceed an average of 1,500 gallons per acre per day,  
652 and provided satisfactory drinking water can be obtained and all  
653 distance and setback, soil condition, water table elevation, and  
654 other related requirements of this section and rules adopted  
655 under this section can be met.

656 (b) Subdivisions and lots using a public water system as  
657 defined in s. 403.852 may use onsite sewage treatment and  
658 disposal systems, provided there are no more than four lots per  
659 acre, provided the projected daily sewage flow does not exceed  
660 an average of 2,500 gallons per acre per day, and provided that  
661 all distance and setback, soil condition, water table elevation,  
662 and other related requirements that are generally applicable to  
663 the use of onsite sewage treatment and disposal systems are met.

664 (c) Notwithstanding paragraphs (a) and (b), for  
665 subdivisions platted of record on or before October 1, 1991,  
666 when a developer or other appropriate entity has previously made  
667 or makes provisions, including financial assurances or other  
668 commitments, acceptable to the department ~~of Health~~, that a  
669 central water system will be installed by a regulated public  
670 utility based on a density formula, private potable wells may be  
671 used with onsite sewage treatment and disposal systems until the  
672 agreed-upon densities are reached. In a subdivision regulated by  
673 this paragraph, the average daily sewage flow may not exceed  
674 2,500 gallons per acre per day. This section does not affect the  
675 validity of existing prior agreements. After October 1, 1991,

the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment ~~sewerage~~ system is available. ~~It is the intent of~~ This paragraph does not ~~to~~ allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rulemaking process for such rules must be completed by July 1, 2022, and the department shall notify the Division of Law Revision of the date such rules take effect. The rules must consider conventional and enhanced nutrient reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to s. 381.00652. The

701 rules must also allow a person to apply for and receive a  
702 variance from a rule requirement upon demonstration that the  
703 requirement would cause an undue hardship and granting the  
704 variance would not cause or contribute to the exceedance of a  
705 total maximum daily load.

706 (f) ~~(e)~~ Onsite sewage treatment and disposal systems that  
707 are permitted before the rules in paragraph (e) take effect may  
708 ~~must~~ not be placed closer than:

- 709 1. Seventy-five feet from a private potable well.
- 710 2. Two hundred feet from a public potable well serving a  
711 residential or nonresidential establishment having a total  
712 sewage flow of greater than 2,000 gallons per day.
- 713 3. One hundred feet from a public potable well serving a  
714 residential or nonresidential establishment having a total  
715 sewage flow of less than or equal to 2,000 gallons per day.
- 716 4. Fifty feet from any nonpotable well.
- 717 5. Ten feet from any storm sewer pipe, to the maximum  
718 extent possible, but in no instance shall the setback be less  
719 than 5 feet.
- 720 6. Seventy-five feet from the mean high-water line of a  
721 tidally influenced surface water body.
- 722 7. Seventy-five feet from the mean annual flood line of a  
723 permanent nontidal surface water body.
- 724 8. Fifteen feet from the design high-water line of  
725 retention areas, detention areas, or swales designed to contain

standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

~~(f) Except as provided under paragraphs (e) and (t), no limitations shall be imposed by rule, relating to the distance between an onsite disposal system and any area that either permanently or temporarily has visible surface water.~~

(g) ~~All provisions of~~ This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however,

those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days

776 after the transfer of ownership, an amended construction permit  
777 application providing all corrected information and proof of  
778 ownership of the property and if the same variance would have  
779 been required for the new owner of the property as was  
780 originally granted to the original applicant for the variance. A  
781 ~~There is no fee~~ is not associated with the processing of this  
782 supplemental information. A variance may not be granted under  
783 this section until the department is satisfied that:

784 a. The hardship was not caused intentionally by the action  
785 of the applicant;

786 b. A ~~No~~ reasonable alternative, taking into consideration  
787 factors such as cost, does not exist ~~exists~~ for the treatment of  
788 the sewage; and

789 c. The discharge from the onsite sewage treatment and  
790 disposal system will not adversely affect the health of the  
791 applicant or the public or significantly degrade the groundwater  
792 or surface waters.

793  
794 Where soil conditions, water table elevation, and setback  
795 provisions are determined by the department to be satisfactory,  
796 special consideration must be given to those lots platted before  
797 1972.

798 2. The department shall appoint and staff a variance  
799 review and advisory committee, which shall meet monthly to  
800 recommend agency action on variance requests. The committee



801 shall make its recommendations on variance requests at the  
802 meeting in which the application is scheduled for consideration,  
803 except for an extraordinary change in circumstances, the receipt  
804 of new information that raises new issues, or when the applicant  
805 requests an extension. The committee shall consider the criteria  
806 in subparagraph 1. in its recommended agency action on variance  
807 requests and shall also strive to allow property owners the full  
808 use of their land where possible. The committee consists of the  
809 following:

810 a. The Secretary of Environmental Protection ~~State Surgeon~~  
811 ~~General~~ or his or her designee.

812 b. A representative from the county health departments.

813 c. A representative from the home building industry  
814 recommended by the Florida Home Builders Association.

815 d. A representative from the septic tank industry  
816 recommended by the Florida Onsite Wastewater Association.

817 e. A representative from the Department of Health  
818 ~~Environmental Protection~~.

819 f. A representative from the real estate industry who is  
820 also a developer in this state who develops lots using onsite  
821 sewage treatment and disposal systems, recommended by the  
822 Florida Association of Realtors.

823 g. A representative from the engineering profession  
824 recommended by the Florida Engineering Society.  
825

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment ~~sewerage~~ system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage ~~sewerage~~ treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may ~~shall~~ not grant approval when the proposed use of the system is to dispose of toxic, hazardous, or industrial

wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to ~~not~~ obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal

876 system, the department shall initiate enforcement actions  
877 against the owner or tenant to ensure adequate cleanup,  
878 treatment, and disposal.

879 (j) An onsite sewage treatment and disposal system  
880 designed by a professional engineer registered in the state and  
881 certified by such engineer as complying with performance  
882 criteria adopted by the department must be approved by the  
883 department subject to the following:

884 1. The performance criteria applicable to engineer-  
885 designed systems must be limited to those necessary to ensure  
886 that such systems do not adversely affect the public health or  
887 significantly degrade the groundwater or surface water. Such  
888 performance criteria shall include consideration of the quality  
889 of system effluent, the proposed total sewage flow per acre,  
890 wastewater treatment capabilities of the natural or replaced  
891 soil, water quality classification of the potential surface-  
892 water-receiving body, and the structural and maintenance  
893 viability of the system for the treatment of domestic  
894 wastewater. However, performance criteria shall address only the  
895 performance of a system and not a system's design.

896 2. A person electing to use ~~utilize~~ an engineer-designed  
897 system shall, upon completion of the system design, submit such  
898 design, certified by a registered professional engineer, to the  
899 county health department. The county health department may use  
900 ~~utilize~~ an outside consultant to review the engineer-designed

901 system, with the actual cost of such review to be borne by the  
902 applicant. Within 5 working days after receiving an engineer-  
903 designed system permit application, the county health department  
904 shall request additional information if the application is not  
905 complete. Within 15 working days after receiving a complete  
906 application for an engineer-designed system, the county health  
907 department ~~either~~ shall issue the permit or, if it determines  
908 that the system does not comply with the performance criteria,  
909 shall notify the applicant of that determination and refer the  
910 application to the department for a determination as to whether  
911 the system should be approved, disapproved, or approved with  
912 modification. The department engineer's determination shall  
913 prevail over the action of the county health department. The  
914 applicant shall be notified in writing of the department's  
915 determination and of the applicant's rights to pursue a variance  
916 or seek review under the provisions of chapter 120.

917 3. The owner of an engineer-designed performance-based  
918 system must maintain a current maintenance service agreement  
919 with a maintenance entity permitted by the department. The  
920 maintenance entity shall inspect each system at least twice each  
921 year and shall report quarterly to the department on the number  
922 of systems inspected and serviced. The reports may be submitted  
923 electronically.

924 4. The property owner of an owner-occupied, single-family  
925 residence may be approved and permitted by the department as a

PCS for HB 1343

ORIGINAL

2020

926 maintenance entity for his or her own performance-based  
927 treatment system upon written certification from the system  
928 manufacturer's approved representative that the property owner  
929 has received training on the proper installation and service of  
930 the system. The maintenance service agreement must conspicuously  
931 disclose that the property owner has the right to maintain his  
932 or her own system and is exempt from contractor registration  
933 requirements for performing construction, maintenance, or  
934 repairs on the system but is subject to all permitting  
935 requirements.

936         5. The property owner shall obtain a biennial system  
937 operating permit from the department for each system. The  
938 department shall inspect the system at least annually, or on  
939 such periodic basis as the fee collected permits, and may  
940 collect system-effluent samples if appropriate to determine  
941 compliance with the performance criteria. The fee for the  
942 biennial operating permit shall be collected beginning with the  
943 second year of system operation.

944         6. If an engineer-designed system fails to properly  
945 function or fails to meet performance standards, the system  
946 shall be re-engineered, if necessary, to bring the system into  
947 compliance with the provisions of this section.

948         (k) An innovative system may be approved in conjunction  
949 with an engineer-designed site-specific system that ~~which~~ is  
950 certified by the engineer to meet the performance-based criteria

adopted by the department.

(1) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

- 976 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
977 b. Suspended Solids of 10 mg/l.  
978 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
979 reduction in nitrogen of at least 70 percent. A system that has  
980 been tested and certified to reduce nitrogen concentrations by  
981 at least 70 percent shall be deemed to be in compliance with  
982 this standard.  
983 d. Total Phosphorus, expressed as P, of 1 mg/l.  
984

985 In addition, onsite sewage treatment and disposal systems  
986 discharging to an injection well must provide basic disinfection  
987 as defined by department rule.

988 3. In areas not scheduled to be served by a central  
989 sewerage system ~~sewer~~, onsite sewage treatment and disposal  
990 systems must, by December 31, 2015, comply with department rules  
991 and provide the level of treatment described in subparagraph 2.

992 4. In areas scheduled to be served by a central sewerage  
993 system ~~sewer~~ by December 31, 2015, if the property owner has  
994 paid a connection fee or assessment for connection to the  
995 central sewerage ~~sewer~~ system, the property owner may install a  
996 holding tank with a high water alarm or an onsite sewage  
997 treatment and disposal system that meets the following minimum  
998 standards:

- 999 a. The existing tanks must be pumped and inspected and  
1000 certified as being watertight and free of defects in accordance



1001 with department rule; and

1002       b. A sand-lined drainfield or injection well in accordance  
1003 with department rule must be installed.

1004       5. Onsite sewage treatment and disposal systems must be  
1005 monitored for total nitrogen and total phosphorus concentrations  
1006 as required by department rule.

1007       6. The department shall enforce proper installation,  
1008 operation, and maintenance of onsite sewage treatment and  
1009 disposal systems pursuant to this chapter, including ensuring  
1010 that the appropriate level of treatment described in  
1011 subparagraph 2. is met.

1012       7. The authority of a local government, including a  
1013 special district, to mandate connection of an onsite sewage  
1014 treatment and disposal system is governed by s. 4, chapter 99-  
1015 395, Laws of Florida.

1016       8. Notwithstanding any other ~~provision of~~ law, an onsite  
1017 sewage treatment and disposal system installed after July 1,  
1018 2010, in unincorporated Monroe County, excluding special  
1019 wastewater districts, that complies with the standards in  
1020 subparagraph 2. is not required to connect to a central sewerage  
1021 ~~sewer~~ system until December 31, 2020.

1022       (m) A ~~No~~ product sold in the state for use in onsite  
1023 sewage treatment and disposal systems may not contain any  
1024 substance in concentrations or amounts that would interfere with  
1025 or prevent the successful operation of such system, or that

PCS for HB 1343

ORIGINAL

2020

1026 would cause discharges from such systems to violate applicable  
1027 water quality standards. The department shall publish criteria  
1028 for products known or expected to meet the conditions of this  
1029 paragraph. If ~~In the event~~ a product does not meet such  
1030 criteria, such product may be sold if the manufacturer  
1031 satisfactorily demonstrates to the department that the  
1032 conditions of this paragraph are met.

1033 (n) Evaluations for determining the seasonal high-water  
1034 table elevations or the suitability of soils for the use of a  
1035 new onsite sewage treatment and disposal system shall be  
1036 performed by department personnel, professional engineers  
1037 registered in the state, or such other persons with expertise,  
1038 as defined by rule, in making such evaluations. Evaluations for  
1039 determining mean annual flood lines shall be performed by those  
1040 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department  
1041 shall accept evaluations submitted by professional engineers and  
1042 such other persons as meet the expertise established by this  
1043 section or by rule unless the department has a reasonable  
1044 scientific basis for questioning the accuracy or completeness of  
1045 the evaluation.

1046 ~~(e) The department shall appoint a research review and~~  
1047 ~~advisory committee, which shall meet at least semiannually. The~~  
1048 ~~committee shall advise the department on directions for new~~  
1049 ~~research, review and rank proposals for research contracts, and~~  
1050 ~~review draft research reports and make comments. The committee~~

PCS for HB 1343

ORIGINAL

2020

~~is comprised of:~~

~~1. A representative of the State Surgeon General, or his  
or her designee.~~

~~2. A representative from the septic tank industry.~~

~~3. A representative from the home building industry.~~

~~4. A representative from an environmental interest group.~~

~~5. A representative from the State University System, from  
a department knowledgeable about onsite sewage treatment and  
disposal systems.~~

~~6. A professional engineer registered in this state who  
has work experience in onsite sewage treatment and disposal  
systems.~~

~~7. A representative from local government who is  
knowledgeable about domestic wastewater treatment.~~

~~8. A representative from the real estate profession.~~

~~9. A representative from the restaurant industry.~~

~~10. A consumer.~~

~~Members shall be appointed for a term of 3 years, with the  
appointments being staggered so that the terms of no more than  
four members expire in any one year. Members shall serve without  
remuneration, but are entitled to reimbursement for per diem and  
travel expenses as provided in s. 112.061.~~

~~(o) (p)~~ An application for an onsite sewage treatment and  
disposal system permit shall be completed in full, signed by the

PCS for HB 1343

ORIGINAL

2020

owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. ~~No~~ Specific documentation of property ownership is not ~~shall be~~ required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(p)~~(q)~~ The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before ~~prior to~~ submission of an application for an onsite sewage treatment and disposal system.

(q)~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(r)~~(s)~~ In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may ~~shall~~ not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(s)~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

PCS for HB 1343

ORIGINAL

2020

1101           1. The absorption surface of the drainfield may ~~shall~~ not  
1102 be subject to flooding based on 10-year flood elevations.  
1103 Provided, however, for lots or parcels created by the  
1104 subdivision of land in accordance with applicable local  
1105 government regulations before ~~prior to~~ January 17, 1990, if an  
1106 applicant cannot construct a drainfield system with the  
1107 absorption surface of the drainfield at an elevation equal to or  
1108 above 10-year flood elevation, the department shall issue a  
1109 permit for an onsite sewage treatment and disposal system within  
1110 the 10-year floodplain of rivers, streams, and other bodies of  
1111 flowing water if all of the following criteria are met:

1112           a. The lot is at least one-half acre in size;

1113           b. The bottom of the drainfield is at least 36 inches  
1114 above the 2-year flood elevation; and

1115           c. The applicant installs ~~either:~~ a waterless,  
1116 incinerating, or organic waste composting toilet and a graywater  
1117 system and drainfield in accordance with department rules; an  
1118 aerobic treatment unit and drainfield in accordance with  
1119 department rules; a system ~~approved by the State Health Office~~  
1120 that is capable of reducing effluent nitrate by at least 50  
1121 percent in accordance with department rules; or a system other  
1122 than a system using alternative drainfield materials in  
1123 accordance with department rules ~~approved by the county health~~  
1124 ~~department pursuant to department rule other than a system using~~  
1125 ~~alternative drainfield materials.~~ The United States Department

1126 of Agriculture Soil Conservation Service soil maps, State of  
1127 Florida Water Management District data, and Federal Emergency  
1128 Management Agency Flood Insurance maps are resources that shall  
1129 be used to identify flood-prone areas.

1130 2. The use of fill or mounding to elevate a drainfield  
1131 system out of the 10-year floodplain of rivers, streams, or  
1132 other bodies of flowing water may ~~shall~~ not be permitted if such  
1133 a system lies within a regulatory floodway of the Suwannee and  
1134 Aucilla Rivers. In cases where the 10-year flood elevation does  
1135 not coincide with the boundaries of the regulatory floodway, the  
1136 regulatory floodway will be considered for the purposes of this  
1137 subsection to extend at a minimum to the 10-year flood  
1138 elevation.

1139 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system  
1140 shall maintain a current maintenance service agreement with an  
1141 aerobic treatment unit maintenance entity permitted by the  
1142 department. The maintenance entity shall inspect each aerobic  
1143 treatment unit system at least twice each year and shall report  
1144 quarterly to the department on the number of aerobic treatment  
1145 unit systems inspected and serviced. The reports may be  
1146 submitted electronically.

1147 2. The property owner of an owner-occupied, single-family  
1148 residence may be approved and permitted by the department as a  
1149 maintenance entity for his or her own aerobic treatment unit  
1150 system upon written certification from the system manufacturer's

1151 approved representative that the property owner has received  
1152 training on the proper installation and service of the system.  
1153 The maintenance entity service agreement must conspicuously  
1154 disclose that the property owner has the right to maintain his  
1155 or her own system and is exempt from contractor registration  
1156 requirements for performing construction, maintenance, or  
1157 repairs on the system but is subject to all permitting  
1158 requirements.

1159         3. A septic tank contractor licensed under part III of  
1160 chapter 489, if approved by the manufacturer, may not be denied  
1161 access by the manufacturer to aerobic treatment unit system  
1162 training or spare parts for maintenance entities. After the  
1163 original warranty period, component parts for an aerobic  
1164 treatment unit system may be replaced with parts that meet  
1165 manufacturer's specifications but are manufactured by others.  
1166 The maintenance entity shall maintain documentation of the  
1167 substitute part's equivalency for 2 years and shall provide such  
1168 documentation to the department upon request.

1169         4. The owner of an aerobic treatment unit system shall  
1170 obtain a system operating permit from the department and allow  
1171 the department to inspect during reasonable hours each aerobic  
1172 treatment unit system at least annually, and such inspection may  
1173 include collection and analysis of system-effluent samples for  
1174 performance criteria established by rule of the department.

1175         (u)~~(v)~~ The department may require the submission of

1176 detailed system construction plans that are prepared by a  
1177 professional engineer registered in this state. The department  
1178 shall establish by rule criteria for determining when such a  
1179 submission is required.

1180 (v)~~(w)~~ Any permit issued and approved by the department  
1181 for the installation, modification, or repair of an onsite  
1182 sewage treatment and disposal system shall transfer with the  
1183 title to the property in a real estate transaction. A title may  
1184 not be encumbered at the time of transfer by new permit  
1185 requirements by a governmental entity for an onsite sewage  
1186 treatment and disposal system which differ from the permitting  
1187 requirements in effect at the time the system was permitted,  
1188 modified, or repaired. An inspection of a system may not be  
1189 mandated by a governmental entity at the point of sale in a real  
1190 estate transaction. This paragraph does not affect a septic tank  
1191 phase-out deferral program implemented by a consolidated  
1192 government as defined in s. 9, Art. VIII of the State  
1193 Constitution (1885).

1194 (w)~~(\*)~~ A governmental entity, including a municipality,  
1195 county, or statutorily created commission, may not require an  
1196 engineer-designed performance-based treatment system, excluding  
1197 a passive engineer-designed performance-based treatment system,  
1198 before the completion of the Florida Onsite Sewage Nitrogen  
1199 Reduction Strategies Project. This paragraph does not apply to a  
1200 governmental entity, including a municipality, county, or



1201 statutorily created commission, which adopted a local law,  
1202 ordinance, or regulation on or before January 31, 2012.  
1203 Notwithstanding this paragraph, an engineer-designed  
1204 performance-based treatment system may be used to meet the  
1205 requirements of the variance review and advisory committee  
1206 recommendations.

1207 (x) 1.~~(y) 1.~~ An onsite sewage treatment and disposal system  
1208 is not considered abandoned if the system is disconnected from a  
1209 structure that was made unusable or destroyed following a  
1210 disaster and if the system was properly functioning at the time  
1211 of disconnection and was not adversely affected by the disaster.  
1212 The onsite sewage treatment and disposal system may be  
1213 reconnected to a rebuilt structure if:

1214 a. The reconnection of the system is to the same type of  
1215 structure which contains the same number of bedrooms or fewer,  
1216 if the square footage of the structure is less than or equal to  
1217 110 percent of the original square footage of the structure that  
1218 existed before the disaster;

1219 b. The system is not a sanitary nuisance; and

1220 c. The system has not been altered without prior  
1221 authorization.

1222 2. An onsite sewage treatment and disposal system that  
1223 serves a property that is foreclosed upon is not considered  
1224 abandoned.

1225 (y)~~(z)~~ If an onsite sewage treatment and disposal system

PCS for HB 1343

ORIGINAL

2020

1226 permittee receives, relies upon, and undertakes construction of  
1227 a system based upon a validly issued construction permit under  
1228 rules applicable at the time of construction but a change to a  
1229 rule occurs within 5 years after the approval of the system for  
1230 construction but before the final approval of the system, the  
1231 rules applicable and in effect at the time of construction  
1232 approval apply at the time of final approval if fundamental site  
1233 conditions have not changed between the time of construction  
1234 approval and final approval.

1235 (z)~~(aa)~~ An existing-system inspection or evaluation and  
1236 assessment, or a modification, replacement, or upgrade of an  
1237 onsite sewage treatment and disposal system is not required for  
1238 a remodeling addition or modification to a single-family home if  
1239 a bedroom is not added. However, a remodeling addition or  
1240 modification to a single-family home may not cover any part of  
1241 the existing system or encroach upon a required setback or the  
1242 unobstructed area. To determine if a setback or the unobstructed  
1243 area is impacted, the local health department shall review and  
1244 verify a floor plan and site plan of the proposed remodeling  
1245 addition or modification to the home submitted by a remodeler  
1246 which shows the location of the system, including the distance  
1247 of the remodeling addition or modification to the home from the  
1248 onsite sewage treatment and disposal system. The local health  
1249 department may visit the site or otherwise determine the best  
1250 means of verifying the information submitted. A verification of

PCS for HB 1343

ORIGINAL

2020

the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

Section 9. Effective July 1, 2021, paragraph (d) of subsection (7) and subsections (8) and (9) of section 381.00651, Florida Statutes, are amended to read:

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—

(7) The following procedures shall be used for conducting evaluations:

(d) Assessment procedure.—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the department ~~of Health~~. The qualified contractor shall provide a copy of a written, signed evaluation report to the property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report shall contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the

PCS for HB 1343

ORIGINAL

2020

report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.

(8) The county health department, in coordination with the department, shall administer any evaluation program on behalf of a county, or a municipality within the county, that has adopted an evaluation program pursuant to this section. In order to administer the evaluation program, the county or municipality, in consultation with the county health department, may develop a reasonable fee schedule to be used solely to pay for the costs of administering the evaluation program. Such a fee schedule shall be identified in the ordinance that adopts the evaluation

PCS for HB 1343

ORIGINAL

2020

1301 program. When arriving at a reasonable fee schedule, the  
1302 estimated annual revenues to be derived from fees may not exceed  
1303 reasonable estimated annual costs of the program. Fees shall be  
1304 assessed to the system owner during an inspection and separately  
1305 identified on the invoice of the qualified contractor. Fees  
1306 shall be remitted by the qualified contractor to the county  
1307 health department. The county health department's administrative  
1308 responsibilities include the following:

1309 (a) Providing a notice to the system owner at least 60  
1310 days before the system is due for an evaluation. The notice may  
1311 include information on the proper maintenance of onsite sewage  
1312 treatment and disposal systems.

1313 (b) In consultation with the department ~~of Health~~,  
1314 providing uniform disciplinary procedures and penalties for  
1315 qualified contractors who do not comply with the requirements of  
1316 the adopted ordinance, including, but not limited to, failure to  
1317 provide the evaluation report as required in this subsection to  
1318 the system owner and the county health department. Only the  
1319 county health department may assess penalties against system  
1320 owners for failure to comply with the adopted ordinance,  
1321 consistent with existing requirements of law.

1322 (9)(a) A county or municipality that adopts an onsite  
1323 sewage treatment and disposal system evaluation and assessment  
1324 program pursuant to this section shall notify the Secretary of  
1325 Environmental Protection, the Department of Health, and the

PCS for HB 1343

ORIGINAL

2020

1326 applicable county health department upon the adoption of its  
1327 ordinance establishing the program.

1328 (b) Upon receipt of the notice under paragraph (a), the  
1329 department ~~of Environmental Protection~~ shall, within existing  
1330 resources, notify the county or municipality of the potential  
1331 use of, and access to, program funds under the Clean Water State  
1332 Revolving Fund or s. 319 of the Clean Water Act, provide  
1333 guidance in the application process to receive such moneys, and  
1334 provide advice and technical assistance to the county or  
1335 municipality on how to establish a low-interest revolving loan  
1336 program or how to model a revolving loan program after the low-  
1337 interest loan program of the Clean Water State Revolving Fund.  
1338 This paragraph does not obligate the department ~~of Environmental~~  
1339 ~~Protection~~ to provide any county or municipality with money to  
1340 fund such programs.

1341 (c) The department ~~of Health~~ may not adopt any rule that  
1342 alters the provisions of this section.

1343 (d) The department ~~of Health~~ must allow county health  
1344 departments and qualified contractors access to the  
1345 environmental health database to track relevant information and  
1346 assimilate data from assessment and evaluation reports of the  
1347 overall condition of onsite sewage treatment and disposal  
1348 systems. The environmental health database must be used by  
1349 contractors to report each service and evaluation event and by a  
1350 county health department to notify owners of onsite sewage

PCS for HB 1343

ORIGINAL

2020

1351 treatment and disposal systems when evaluations are due. Data  
1352 and information must be recorded and updated as service and  
1353 evaluations are conducted and reported.

1354 Section 10. Section 381.00652, Florida Statutes, is  
1355 created to read:

1356 381.00652 Onsite sewage treatment and disposal systems  
1357 technical advisory committee.—

1358 (1) As used in this section, the term "department" means  
1359 the Department of Environmental Protection.

1360 (2) An onsite sewage treatment and disposal systems  
1361 technical advisory committee, a committee as defined in s.  
1362 20.03(8), is created within the department. The committee shall:

1363 (a) Provide recommendations to increase the availability  
1364 of enhanced nutrient reducing onsite sewage treatment and  
1365 disposal systems in the marketplace, including such systems that  
1366 are cost-effective, low maintenance, and reliable.

1367 (b) Consider and recommend regulatory options, such as  
1368 fast-track approval, prequalification, or expedited permitting,  
1369 to facilitate the introduction and use of enhanced nutrient  
1370 reducing onsite sewage treatment and disposal systems that have  
1371 been reviewed and approved by a national agency or organization,  
1372 such as the American National Standards Institute 245 systems  
1373 approved by the NSF International.

1374 (c) Provide recommendations for appropriate setback  
1375 distances for onsite sewage treatment and disposal systems from

1376 surface water, groundwater, and wells.

1377 (2) The department shall use existing and available  
1378 resources to administer and support the activities of the  
1379 committee.

1380 (3)(a) By August 1, 2021, the department, in consultation  
1381 with the Department of Health, shall appoint no more than 10  
1382 members to the committee, as follows:

- 1383 1. A professional engineer.  
1384 2. A septic tank contractor.  
1385 3. Two representatives from the home building industry.  
1386 4. A representative from the real estate industry.  
1387 5. A representative from the onsite sewage treatment and  
1388 disposal system industry.  
1389 6. A representative from local government.  
1390 7. Two representatives from the environmental community.  
1391 8. A representative of the scientific and technical  
1392 community who has substantial expertise in the areas of the fate  
1393 and transport of water pollutants, toxicology, epidemiology,  
1394 geology, biology, or environmental sciences.

1395 (b) Members shall serve without compensation and are not  
1396 entitled to reimbursement for per diem or travel expenses.

1397 (4) By January 1, 2022, the committee shall submit its  
1398 recommendations to the Governor, the President of the Senate,  
1399 and the Speaker of the House of Representatives.

1400 (5) This section expires August 15, 2022.



PCS for HB 1343

ORIGINAL

2020

1401       Section 11. Effective July 1, 2021, section 381.0068,  
1402 Florida Statutes, is repealed.

1403       Section 12. Subsections (14) through (44) of section  
1404 403.061, Florida Statutes, are renumbered as subsections (15)  
1405 through (45), respectively, subsection (7) is amended, and a new  
1406 subsection (14) is added to that section, to read:

1407       403.061 Department; powers and duties.—The department  
1408 shall have the power and the duty to control and prohibit  
1409 pollution of air and water in accordance with the law and rules  
1410 adopted and promulgated by it and, for this purpose, to:

1411       (7) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to  
1412 ~~implement the provisions of~~ this act. Any rule adopted pursuant  
1413 to this act must ~~shall~~ be consistent with the provisions of  
1414 federal law, if any, relating to control of emissions from motor  
1415 vehicles, effluent limitations, pretreatment requirements, or  
1416 standards of performance. A ~~No~~ county, municipality, or  
1417 political subdivision may not ~~shall~~ adopt or enforce any local  
1418 ordinance, special law, or local regulation requiring the  
1419 installation of Stage II vapor recovery systems, as currently  
1420 defined by department rule, unless such county, municipality, or  
1421 political subdivision is or has been in the past designated by  
1422 federal regulation as a moderate, serious, or severe ozone  
1423 nonattainment area. Rules adopted pursuant to this act may ~~shall~~  
1424 not require dischargers of waste into waters of the state to  
1425 improve natural background conditions. The department shall

1426 adopt rules to reasonably limit, reduce, and eliminate domestic  
1427 wastewater collection and transmission system pipe leakages and  
1428 inflow and infiltration. Discharges from steam electric  
1429 generating plants existing or licensed under this chapter on  
1430 July 1, 1984, may ~~shall~~ not be required to be treated to a  
1431 greater extent than may be necessary to assure that the quality  
1432 of nonthermal components of discharges from nonrecirculated  
1433 cooling water systems is as high as the quality of the makeup  
1434 waters; that the quality of nonthermal components of discharges  
1435 from recirculated cooling water systems is no lower than is  
1436 allowed for blowdown from such systems; or that the quality of  
1437 noncooling system discharges which receive makeup water from a  
1438 receiving body of water which does not meet applicable  
1439 department water quality standards is as high as the quality of  
1440 the receiving body of water. The department may not adopt  
1441 standards more stringent than federal regulations, except as  
1442 provided in s. 403.804.

1443 (14) In order to promote resilient utilities, require  
1444 public utilities or their affiliated companies holding, applying  
1445 for, or renewing a domestic wastewater discharge permit to file  
1446 annual reports and other data regarding transactions or  
1447 allocations of common costs and expenditures on pollution  
1448 mitigation and prevention among the utility's permitted systems,  
1449 including, but not limited to, the prevention of sanitary sewer  
1450 overflows, collection and transmission system pipe leakages, and

PCS for HB 1343

ORIGINAL

2020

inflow and infiltration. The department shall adopt rules to  
implement this subsection.

The department shall implement such programs in conjunction with  
its other powers and duties and shall place special emphasis on  
reducing and eliminating contamination that presents a threat to  
humans, animals or plants, or to the environment.

Section 13. Section 403.0616, Florida Statutes, is created  
to read:

403.0616 Real-time water quality monitoring program.-

(1) Subject to appropriation, the department shall  
establish a real-time water quality monitoring program to assist  
in the restoration, preservation, and enhancement of impaired  
water bodies and coastal resources.

(2) In order to expedite the creation and implementation  
of the program, the department is encouraged to form public-  
private partnerships with established scientific entities that  
have proven existing real-time water quality monitoring  
equipment and experience in deploying the equipment.

Section 14. Subsection (7) of section 403.067, Florida  
Statutes, is amended to read:

403.067 Establishment and implementation of total maximum  
daily loads.-

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

PCS for HB 1343

ORIGINAL

2020

(a) *Basin management action plans.*—

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, when ~~where~~ appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be

PCS for HB 1343

ORIGINAL

2020

1501 those practices developed pursuant to paragraph (c). When ~~Where~~  
1502 appropriate, the plan may take into account the benefits of  
1503 pollutant load reduction achieved by point or nonpoint sources  
1504 that have implemented management strategies to reduce pollutant  
1505 loads, including best management practices, before the  
1506 development of the basin management action plan. The plan must  
1507 also identify the mechanisms that will address potential future  
1508 increases in pollutant loading.

1509         3. The basin management action planning process is  
1510 intended to involve the broadest possible range of interested  
1511 parties, with the objective of encouraging the greatest amount  
1512 of cooperation and consensus possible. In developing a basin  
1513 management action plan, the department shall assure that key  
1514 stakeholders, including, but not limited to, applicable local  
1515 governments, water management districts, the Department of  
1516 Agriculture and Consumer Services, other appropriate state  
1517 agencies, local soil and water conservation districts,  
1518 environmental groups, regulated interests, and affected  
1519 pollution sources, are invited to participate in the process.  
1520 The department shall hold at least one public meeting in the  
1521 vicinity of the watershed or basin to discuss and receive  
1522 comments during the planning process and shall otherwise  
1523 encourage public participation to the greatest practicable  
1524 extent. Notice of the public meeting must be published in a  
1525 newspaper of general circulation in each county in which the

watershed or basin lies at least ~~not less than~~ 5 days, but not  
~~nor~~ more than 15 days, before the public meeting. A basin  
management action plan does not supplant or otherwise alter any  
assessment made under subsection (3) or subsection (4) or any  
calculation or initial allocation.

4. Each new or revised basin management action plan shall  
include:

a. The appropriate management strategies available through  
existing water quality protection programs to achieve total  
maximum daily loads, which may provide for phased implementation  
to promote timely, cost-effective actions as provided for in s.  
403.151;

b. A description of best management practices adopted by  
rule;

c. A list of projects in priority ranking with a planning-  
level cost estimate and estimated date of completion for each  
listed project;

d. The source and amount of financial assistance to be  
made available by the department, a water management district,  
or other entity for each listed project, if applicable; and

e. A planning-level estimate of each listed project's  
expected load reduction, if applicable.

5. The department shall adopt all or any part of a basin  
management action plan and any amendment to such plan by  
secretarial order pursuant to chapter 120 to implement ~~the~~

1551 ~~provisions of~~ this section.

1552         6. The basin management action plan must include  
1553 milestones for implementation and water quality improvement, and  
1554 an associated water quality monitoring component sufficient to  
1555 evaluate whether reasonable progress in pollutant load  
1556 reductions is being achieved over time. An assessment of  
1557 progress toward these milestones shall be conducted every 5  
1558 years, and revisions to the plan shall be made as appropriate.  
1559 Revisions to the basin management action plan shall be made by  
1560 the department in cooperation with basin stakeholders. Revisions  
1561 to the management strategies required for nonpoint sources must  
1562 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised  
1563 basin management action plans must be adopted pursuant to  
1564 subparagraph 5.

1565         7. In accordance with procedures adopted by rule under  
1566 paragraph (9)(c), basin management action plans, and other  
1567 pollution control programs under local, state, or federal  
1568 authority as provided in subsection (4), may allow point or  
1569 nonpoint sources that will achieve greater pollutant reductions  
1570 than required by an adopted total maximum daily load or  
1571 wasteload allocation to generate, register, and trade water  
1572 quality credits for the excess reductions to enable other  
1573 sources to achieve their allocation; however, the generation of  
1574 water quality credits does not remove the obligation of a source  
1575 or activity to meet applicable technology requirements or

1576 adopted best management practices. Such plans must allow trading  
1577 between NPDES permittees, and trading that may or may not  
1578 involve NPDES permittees, where the generation or use of the  
1579 credits involve an entity or activity not subject to department  
1580 water discharge permits whose owner voluntarily elects to obtain  
1581 department authorization for the generation and sale of credits.

1582 8. ~~The provisions of~~ The department's rule relating to the  
1583 equitable abatement of pollutants into surface waters do not  
1584 apply to water bodies or water body segments for which a basin  
1585 management plan that takes into account future new or expanded  
1586 activities or discharges has been adopted under this section.

1587 9. In order to promote resilient wastewater utilities, if  
1588 the department identifies domestic wastewater treatment  
1589 facilities or onsite sewage treatment and disposal systems as  
1590 contributors of at least 20 percent of point source or nonpoint  
1591 source nutrient pollution or if the department determines  
1592 remediation is necessary to achieve the total maximum daily  
1593 load, a basin management action plan for a nutrient total  
1594 maximum daily load must include the following:

1595 a. A wastewater treatment plan developed by each local  
1596 government, in cooperation with the department, the water  
1597 management district, and the public and private domestic  
1598 wastewater treatment facilities within the jurisdiction of the  
1599 local government, that addresses domestic wastewater. The  
1600 wastewater treatment plan must:



PCS for HB 1343

ORIGINAL

2020

1601        (I) Provide for construction, expansion, or upgrades  
1602 necessary to achieve the total maximum daily load requirements  
1603 applicable to the domestic wastewater treatment facility.

1604        (II) Include the permitted capacity in average annual  
1605 gallons per day for the domestic wastewater treatment facility;  
1606 the average nutrient concentration and the estimated average  
1607 nutrient load of the domestic wastewater; a projected timeline  
1608 of the dates by which the construction of any facility  
1609 improvements will begin and be completed and the date by which  
1610 operations of the improved facility will begin; the estimated  
1611 cost of the improvements; and the identity of responsible  
1612 parties.

1613  
1614 The wastewater treatment plan must be adopted as part of the  
1615 basin management action plan no later than July 1, 2025. A local  
1616 government that does not have a domestic wastewater treatment  
1617 facility in its jurisdiction is not required to develop a  
1618 wastewater treatment plan unless there is a demonstrated need to  
1619 establish a domestic wastewater treatment facility within its  
1620 jurisdiction to improve water quality necessary to achieve a  
1621 total maximum daily load. A local government is not responsible  
1622 for a private domestic wastewater facility's compliance with a  
1623 basin management action plan unless such facility is operated  
1624 through a public-private partnership to which the local  
1625 government is a party.

1626        b. An onsite sewage treatment and disposal system  
1627        remediation plan developed by each local government in  
1628        cooperation with the department, the Department of Health, water  
1629        management districts, and public and private domestic wastewater  
1630        treatment facilities.

1631        (I) The onsite sewage treatment and disposal system  
1632        remediation plan must identify cost-effective and financially  
1633        feasible projects necessary to achieve the nutrient load  
1634        reductions required for onsite sewage treatment and disposal  
1635        systems. To identify cost-effective and financially feasible  
1636        projects for remediation of onsite sewage treatment and disposal  
1637        systems, the local government shall:

1638        (A) Include an inventory of onsite sewage treatment and  
1639        disposal systems based on the best information available;

1640        (B) Identify onsite sewage treatment and disposal systems  
1641        that would be eliminated through connection to existing or  
1642        future central domestic wastewater infrastructure in the  
1643        jurisdiction or domestic wastewater service area of the local  
1644        government, that would be replaced with or upgraded to enhanced  
1645        nutrient reducing onsite sewage treatment and disposal systems,  
1646        or that would remain on conventional onsite sewage treatment and  
1647        disposal systems;

1648        (C) Estimate the costs of potential onsite sewage  
1649        treatment and disposal system connections, upgrades, or  
1650        replacements; and

1651 (D) Identify deadlines and interim milestones for the  
1652 planning, design, and construction of projects.

1653 (II) The department shall adopt the onsite sewage  
1654 treatment and disposal system remediation plan as part of the  
1655 basin management action plan no later than July 1, 2025, or as  
1656 required for Outstanding Florida Springs under s. 373.807.

1657 10. When identifying wastewater projects in a basin  
1658 management action plan, the department may not require the  
1659 higher cost option if it achieves the same nutrient load  
1660 reduction as a lower cost option. A regulated entity may choose  
1661 a different cost option if it complies with the pollutant  
1662 reduction requirements of an adopted total maximum daily load.

1663 *(b) Total maximum daily load implementation.—*

1664 1. The department shall be the lead agency in coordinating  
1665 the implementation of the total maximum daily loads through  
1666 existing water quality protection programs. Application of a  
1667 total maximum daily load by a water management district must be  
1668 consistent with this section and does not require the issuance  
1669 of an order or a separate action pursuant to s. 120.536(1) or s.  
1670 120.54 for the adoption of the calculation and allocation  
1671 previously established by the department. Such programs may  
1672 include, but are not limited to:

1673 a. Permitting and other existing regulatory programs,  
1674 including water-quality-based effluent limitations;

1675 b. Nonregulatory and incentive-based programs, including

best management practices, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(22) ~~s. 403.061(21)~~, and public education;

c. Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts or basin management action plans developed pursuant to this subsection;

d. Trading of water quality credits or other equitable economically based agreements;

e. Public works including capital facilities; or

f. Land acquisition.

2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits ~~set forth~~ for a discharger subject to NPDES permitting, if any, must be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department may not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted basin management action plan.

a. Absent a detailed allocation, total maximum daily loads must be implemented through NPDES permit conditions that provide for a compliance schedule. In such instances, a facility's NPDES

1701 permit must allow time for the issuance of an order adopting the  
1702 basin management action plan. The time allowed for the issuance  
1703 of an order adopting the plan may not exceed 5 years. Upon  
1704 issuance of an order adopting the plan, the permit must be  
1705 reopened or renewed, as necessary, and permit conditions  
1706 consistent with the plan must be established. Notwithstanding  
1707 the other provisions of this subparagraph, upon request by an  
1708 NPDES permittee, the department as part of a permit issuance,  
1709 renewal, or modification may establish individual allocations  
1710 before the adoption of a basin management action plan.

1711       b. For holders of NPDES municipal separate storm sewer  
1712 system permits and other stormwater sources, implementation of a  
1713 total maximum daily load or basin management action plan must be  
1714 achieved, to the maximum extent practicable, through the use of  
1715 best management practices or other management measures.

1716       c. The basin management action plan does not relieve the  
1717 discharger from any requirement to obtain, renew, or modify an  
1718 NPDES permit or to abide by other requirements of the permit.

1719       d. Management strategies ~~set forth~~ in a basin management  
1720 action plan to be implemented by a discharger subject to  
1721 permitting by the department must be completed pursuant to the  
1722 schedule ~~set forth~~ in the basin management action plan. This  
1723 implementation schedule may extend beyond the 5-year term of an  
1724 NPDES permit.

1725       e. Management strategies and pollution reduction

PCS for HB 1343

ORIGINAL

2020

1726 requirements ~~set forth~~ in a basin management action plan for a  
1727 specific pollutant of concern are not subject to challenge under  
1728 chapter 120 at the time they are incorporated, in an identical  
1729 form, into a subsequent NPDES permit or permit modification.

1730 f. For nonagricultural pollutant sources not subject to  
1731 NPDES permitting but permitted pursuant to other state,  
1732 regional, or local water quality programs, the pollutant  
1733 reduction actions adopted in a basin management action plan must  
1734 be implemented to the maximum extent practicable as part of  
1735 those permitting programs.

1736 g. A nonpoint source discharger included in a basin  
1737 management action plan must demonstrate compliance with the  
1738 pollutant reductions established under subsection (6) by  
1739 implementing the appropriate best management practices  
1740 established pursuant to paragraph (c) or conducting water  
1741 quality monitoring prescribed by the department or a water  
1742 management district. A nonpoint source discharger may, in  
1743 accordance with department rules, supplement the implementation  
1744 of best management practices with water quality credit trades in  
1745 order to demonstrate compliance with the pollutant reductions  
1746 established under subsection (6).

1747 h. A nonpoint source discharger included in a basin  
1748 management action plan may be subject to enforcement action by  
1749 the department or a water management district based upon a  
1750 failure to implement the responsibilities ~~set forth~~ in sub-

subparagraph g.

i. A landowner, discharger, or other responsible person who is implementing applicable management strategies specified in an adopted basin management action plan may not be required by permit, enforcement action, or otherwise to implement additional management strategies, including water quality credit trading, to reduce pollutant loads to attain the pollutant reductions established pursuant to subsection (6) and shall be deemed to be in compliance with this section. This subparagraph does not limit the authority of the department to amend a basin management action plan as specified in subparagraph (a)6.

(c) *Best management practices.*—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54

PCS for HB 1343

ORIGINAL

2020

1776 suitable interim measures, best management practices, or other  
1777 measures necessary to achieve the level of pollution reduction  
1778 established by the department for agricultural pollutant sources  
1779 in allocations developed pursuant to subsection (6) and this  
1780 subsection or for programs implemented pursuant to paragraph  
1781 (12) (b). These practices and measures may be implemented by  
1782 those parties responsible for agricultural pollutant sources and  
1783 the department, the water management districts, and the  
1784 Department of Agriculture and Consumer Services shall assist  
1785 with implementation. In the process of developing and adopting  
1786 rules for interim measures, best management practices, or other  
1787 measures, the Department of Agriculture and Consumer Services  
1788 shall consult with the department, the Department of Health, the  
1789 water management districts, representatives from affected  
1790 farming groups, and environmental group representatives. Such  
1791 rules must also incorporate provisions for a notice of intent to  
1792 implement the practices and a system to assure the  
1793 implementation of the practices, including site inspection and  
1794 recordkeeping requirements.

1795 3. When ~~where~~ interim measures, best management practices,  
1796 or other measures are adopted by rule, the effectiveness of such  
1797 practices in achieving the levels of pollution reduction  
1798 established in allocations developed by the department pursuant  
1799 to subsection (6) and this subsection or in programs implemented  
1800 pursuant to paragraph (12) (b) must be verified at representative



PCS for HB 1343

ORIGINAL

2020

1801 sites by the department. The department shall use best  
1802 professional judgment in making the initial verification that  
1803 the best management practices are reasonably expected to be  
1804 effective and, when ~~where~~ applicable, shall ~~must~~ notify the  
1805 appropriate water management district or the Department of  
1806 Agriculture and Consumer Services of its initial verification  
1807 before the adoption of a rule proposed pursuant to this  
1808 paragraph. Implementation, in accordance with rules adopted  
1809 under this paragraph, of practices that have been initially  
1810 verified to be effective, or verified to be effective by  
1811 monitoring at representative sites, by the department, shall  
1812 provide a presumption of compliance with state water quality  
1813 standards and release from ~~the provisions of~~ s. 376.307(5) for  
1814 those pollutants addressed by the practices, and the department  
1815 is not authorized to institute proceedings against the owner of  
1816 the source of pollution to recover costs or damages associated  
1817 with the contamination of surface water or groundwater caused by  
1818 those pollutants. Research projects funded by the department, a  
1819 water management district, or the Department of Agriculture and  
1820 Consumer Services to develop or demonstrate interim measures or  
1821 best management practices shall be granted a presumption of  
1822 compliance with state water quality standards and a release from  
1823 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
1824 and release is limited to the research site and only for those  
1825 pollutants addressed by the interim measures or best management

PCS for HB 1343

ORIGINAL

2020

practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. When ~~Where~~ water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. If ~~Should~~ the reevaluation determines ~~determine~~ that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Subject to the provisions of subparagraph 6., the Department of Agriculture and Consumer Services shall provide to the department information obtained pursuant to subparagraph

PCS for HB 1343

ORIGINAL

2020

1851 (d) 3.

1852 ~~6.5.~~ Agricultural records relating to processes or methods  
1853 of production, and costs of production, profits, or other  
1854 financial information held by the Department of Agriculture and  
1855 Consumer Services pursuant to subparagraphs 3.-5. ~~3. and 4.~~ or  
1856 pursuant to any rule adopted pursuant to subparagraph 2. are  
1857 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1858 of the State Constitution. Upon request, records made  
1859 confidential and exempt pursuant to this subparagraph shall be  
1860 released to the department or any water management district  
1861 provided that the confidentiality specified by this subparagraph  
1862 for such records is maintained.

1863 ~~7.6.~~ ~~The provisions of~~ Subparagraphs 1. and 2. do not  
1864 preclude the department or water management district from  
1865 requiring compliance with water quality standards or with  
1866 current best management practice requirements ~~set forth~~ in any  
1867 applicable regulatory program authorized by law for the purpose  
1868 of protecting water quality. Additionally, subparagraphs 1. and  
1869 2. are applicable only to the extent that they do not conflict  
1870 with any rules adopted by the department that are necessary to  
1871 maintain a federally delegated or approved program.

1872 (d) *Enforcement and verification of basin management*  
1873 *action plans and management strategies.—*

1874 1. Basin management action plans are enforceable pursuant  
1875 to this section and ss. 403.121, 403.141, and 403.161.

PCS for HB 1343

ORIGINAL

2020

Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable

management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

(e) Cooperative agricultural regional water quality improvement element.—

1. The department, the Department of Agriculture and Consumer Services, and owners of agricultural operations in the basin shall develop a cooperative agricultural regional water quality improvement element as part of a basin management action plan only if:

a. Agricultural measures have been adopted by the

PCS for HB 1343

ORIGINAL

2020

Department of Agriculture and Consumer Services pursuant to subparagraph (c)2. and have been implemented and the waterbody remains impaired;

b. Agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges; and

c. The department determines that additional measures, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, are necessary to achieve the total maximum daily load.

2. The element will be implemented through the use of cost-sharing projects. The element must include cost-effective and technically and financially practical cooperative regional agricultural nutrient reduction projects that can be implemented on private properties on a site-specific, cooperative basis. Such cooperative regional agricultural nutrient reduction projects may include land acquisition in fee or conservation easements on the lands of willing sellers and site-specific water quality improvement or dispersed water management projects on the lands of project participants.

3. To qualify for participation in the cooperative agricultural regional water quality improvement element, the participant must have already implemented the interim measures, best management practices, or other measures adopted by the Department of Agriculture and Consumer Services pursuant to subparagraph (c)2. The element may be included in the basin

1951 management action plan as a part of the next 5-year assessment  
1952 under subparagraph (a)6.

1953 4. The department may submit a legislative budget request  
1954 to fund projects developed pursuant to this paragraph.

1955 (f) Data collection and research.—

1956 1. The Department of Agriculture and Consumer Services, in  
1957 cooperation with the University of Florida Institute of Food and  
1958 Agricultural Sciences and other state universities and Florida  
1959 College System institutions that have agricultural research  
1960 programs, shall annually develop research plans and legislative  
1961 budget requests to:

1962 a. Evaluate and suggest enhancements to the existing  
1963 adopted agricultural best management practices to reduce  
1964 nutrient runoff;

1965 b. Develop new best management practices that, if proven  
1966 effective, the Department of Agriculture and Consumer Services  
1967 may adopt by rule pursuant to subparagraph (c)2.; and

1968 c. Develop agricultural nutrient runoff reduction projects  
1969 that willing participants could implement on a site-specific,  
1970 cooperative basis, in addition to best management practices. The  
1971 department may consider these projects for inclusion in a basin  
1972 management action plan. These nutrient runoff reduction projects  
1973 must reduce the nutrient impacts from agricultural operations on  
1974 water quality when evaluated with the projects and management  
1975 strategies currently included in the basin management action

PCS for HB 1343

ORIGINAL

2020

1976 | plan.

1977 |       2. To be considered for funding, the University of Florida  
1978 | Institute of Food and Agricultural Sciences and other state  
1979 | universities and Florida College System institutions that have  
1980 | agricultural research programs must submit such plans to the  
1981 | department and the Department of Agriculture and Consumer  
1982 | Services by August 1, 2021, and each May 1 thereafter.

1983 |       3. The department shall work with the University of  
1984 | Florida Institute of Food and Agricultural Sciences and  
1985 | regulated entities to consider the adoption by rule of best  
1986 | management practices for nutrient impacts from golf courses.  
1987 | Such adopted best management practices are subject to the  
1988 | requirements of paragraph (c).

1989 |       Section 15. Section 403.0671, Florida Statutes, is created  
1990 | to read:

1991 |       403.0671 Basin management action plan wastewater reports.—

1992 |       (1) By July 1, 2021, the department, in coordination with  
1993 | the county health departments, wastewater treatment facilities,  
1994 | and other governmental entities, shall submit a report to the  
1995 | Governor, the President of the Senate, and the Speaker of the  
1996 | House of Representatives evaluating the costs of wastewater  
1997 | projects identified in the basin management action plans  
1998 | developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1999 | sewage treatment and disposal system remediation plans and other  
2000 | restoration plans developed to meet the total maximum daily



loads required under s. 403.067. The report must include:

(a) Projects to:

1. Replace onsite sewage treatment and disposal systems with enhanced nutrient reducing onsite sewage treatment and disposal systems.

2. Install or retrofit onsite sewage treatment and disposal systems with enhanced nutrient reducing technologies.

3. Construct, upgrade, or expand domestic wastewater treatment facilities to meet the wastewater treatment plan required under s. 403.067(7)(a)9.

4. Connect onsite sewage treatment and disposal systems to domestic wastewater treatment facilities;

(b) The estimated costs, nutrient load reduction estimates, and other benefits of each project;

(c) The estimated implementation timeline for each project;

(d) A proposed 5-year funding plan for each project and the source and amount of financial assistance the department, a water management district, or other project partner will make available to fund the project; and

(e) The projected costs of installing enhanced nutrient reducing onsite sewage treatment and disposal systems on buildable lots in priority focus areas to comply with s. 373.811.

(2) By July 1, 2021, the department shall submit a report

2026 to the Governor, the President of the Senate, and the Speaker of  
2027 the House of Representatives that provides an assessment of the  
2028 water quality monitoring being conducted for each basin  
2029 management action plan implementing a nutrient total maximum  
2030 daily load. In developing the report, the department may  
2031 coordinate with water management districts and any applicable  
2032 university. The report must:

2033 (a) Evaluate the water quality monitoring prescribed for  
2034 each basin management action plan to determine if it is  
2035 sufficient to detect changes in water quality caused by the  
2036 implementation of a project.

2037 (b) Identify gaps in water quality monitoring.

2038 (c) Recommend water quality monitoring needs.

2039 (3) Beginning January 1, 2022, and each January 1  
2040 thereafter, the department shall submit to the Office of  
2041 Economic and Demographic Research the cost estimates for  
2042 projects required in s. 403.067(7)(a)9. The office shall include  
2043 the project cost estimates in its annual assessment conducted  
2044 pursuant to s. 403.928.

2045 Section 16. Section 403.0673, Florida Statutes, is created  
2046 to read:

2047 403.0673 Wastewater grant program.—A wastewater grant  
2048 program is established within the Department of Environmental  
2049 Protection.

2050 (1) Subject to the appropriation of funds by the

Legislature, the department may provide grants for the following projects within a basin management action plan, an alternative restoration plan adopted by final order, or a rural area of opportunity under s. 288.0656 which will individually or collectively reduce excess nutrient pollution:

(a) Projects to retrofit onsite sewage treatment and disposal systems to upgrade such systems to enhanced nutrient reducing onsite sewage treatment and disposal systems.

(b) Projects to construct, upgrade, or expand facilities to provide advanced waste treatment, as defined in s. 403.086(4).

(c) Projects to connect onsite sewage treatment and disposal systems to central sewer facilities.

(2) In allocating such funds, priority must be given to projects that subsidize the connection of onsite sewage treatment and disposal systems to wastewater treatment facilities. First priority must be given to subsidize the connection of onsite sewage treatment and disposal systems to existing infrastructure. Second priority must be given to any expansion of a collection or transmission system that promotes efficiency by planning the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way. Third priority must be given to all other connections of onsite sewage treatment and

PCS for HB 1343

ORIGINAL

2020

2076 disposal systems to wastewater treatment facilities. The  
2077 department shall consider the estimated reduction in nutrient  
2078 load per project; project readiness; cost-effectiveness of the  
2079 project; overall environmental benefit of a project; the  
2080 location of a project; the availability of local matching funds;  
2081 and projected water savings or quantity improvements associated  
2082 with a project.

2083 (3) Each grant for a project described in subsection (1)  
2084 must require a minimum of a 50 percent local match of funds.  
2085 However, the department may, at its discretion, waive, in whole  
2086 or in part, this consideration of the local contribution for  
2087 proposed projects within an area designated as a rural area of  
2088 opportunity under s. 288.0656.

2089 (4) The department shall coordinate with each water  
2090 management district, as necessary, to identify grant recipients  
2091 in each district.

2092 (5) Beginning January 1, 2021, and each January 1  
2093 thereafter, the department shall submit a report regarding the  
2094 projects funded pursuant to this section to the Governor, the  
2095 President of the Senate, and the Speaker of the House of  
2096 Representatives.

2097 Section 17. Section 403.0855, Florida Statutes, is created  
2098 to read:

2099 403.0855 Biosolids management.—

2100 (1) The Legislature finds that it is in the best interest

2101 of this state to regulate biosolids management in order to  
2102 minimize the migration of nutrients that impair water bodies.  
2103 The Legislature further finds that permitting according to site-  
2104 specific application conditions, an increased inspection rate,  
2105 groundwater and surface water monitoring protocols, and nutrient  
2106 management research, will improve biosolids management and  
2107 assist in protecting this state's water resources and water  
2108 quality.

2109 (2) The department shall adopt rules for biosolids  
2110 management. Rules adopted by the department pursuant to this  
2111 section may not take effect until ratified by the Legislature.

2112 (3) For a new land application site permit or a permit  
2113 renewal issued after July 1, 2020, the permittee of a biosolids  
2114 land application site shall:

2115 (a) Ensure a minimum unsaturated soil depth of 2 feet  
2116 between the depth of biosolids placement and the water table  
2117 level at the time the Class A or Class B biosolids are applied  
2118 to the soil. Biosolids may not be applied on soils that have a  
2119 seasonal high-water table less than 6 inches from the soil  
2120 surface or within 6 inches of the intended depth of biosolids  
2121 placement, unless a department-approved nutrient management plan  
2122 and water quality monitoring plan provide reasonable assurances  
2123 that the land application of biosolids at the site will not  
2124 cause or contribute to a violation of the state's surface water  
2125 quality standards or groundwater standards. As used in this

subsection, the term "seasonal high water" means the elevation to which the ground and surface water may be expected to rise due to a normal wet season.

(b) Be enrolled in the Department of Agriculture and Consumer Service's best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.

(4) All permits shall comply with the requirements of subsection (3) by July 1, 2022.

(5) New or renewed biosolids land application site or facility permits issued after July 1, 2020, must comply with this section and include a permit condition that requires the permit to be reopened to insert a compliance date of no later than one year after the effective date of the rules adopted pursuant to subsection (2). All permits must meet the requirements of the rules adopted pursuant to subsection (2) no later than two years after the effective date of such rules.

(6) A municipality or county may enforce or extend a local ordinance, regulation, resolution, rule, moratorium, or policy, any of which was adopted before November 1, 2019, relating to the land application of Class A or Class B biosolids until the ordinance, regulation, resolution, rule, moratorium, or policy is repealed by the municipality or county.

Section 18. Subsections (7) through (10) of section 403.086, Florida Statutes, are renumbered as subsections (8)

PCS for HB 1343

ORIGINAL

2020

through (11), respectively, subsections (1) and (2) are amended, and a new subsection (7) is added to that section, to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)(a) ~~Neither~~ The Department of Health or ~~nor~~ any other state agency, county, special district, or municipality may not ~~shall~~ approve construction of any sewage disposal facilities ~~for sanitary sewage disposal~~ which do not provide for secondary waste treatment and, ~~in addition thereto,~~ advanced waste treatment as deemed necessary and ordered by the department.

(b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose of any wastes by deep well injection without providing for secondary waste treatment and, ~~in addition thereto,~~ advanced waste treatment deemed necessary by the department to protect adequately the beneficial use of the receiving waters.

(c) Notwithstanding ~~any other provisions of~~ this chapter or chapter 373, sewage disposal facilities ~~for sanitary sewage disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025, Indian River Lagoon, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection

PCS for HB 1343

ORIGINAL

2020

(4), approved by the department. This paragraph does ~~shall~~ not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

(d) By December 31, 2020, the department, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a progress report on the status of upgrades made by each facility to meet the advanced waste treatment requirements under paragraph (c). The report must include a list of sewage disposal facilities required to upgrade to advanced waste treatment, the preliminary cost estimates for the upgrades, and a projected timeline of the dates by which the upgrades will begin and be completed and the date by which operations of the upgraded facility will begin.

(2) All sewage disposal ~~Any facilities for sanitary sewage disposal~~ shall provide for secondary waste treatment, a power outage contingency plan that mitigates the impacts of power outages on the utility's collection system and pump stations, and, ~~in addition thereto,~~ advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform is ~~shall be~~ punishable by a civil



penalty of \$500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with a 5-year planning horizon that comply with department rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems' underground pipes. The pipe assessment, repair, and replacement action plans must be reported to the department. The facility action plans must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and the required replacement action plans; expenditures that are dedicated to pipe assessment, repair, and replacement; and expenditures designed to limit the presence of fats, roots, oils, and grease in the facility's collection system. The department shall adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys; however, such rules may not fix or revise utility rates or budgets. A utility or an operating entity subject to this subsection and s.

403.061(14) may submit one report to comply with both requirements. Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

Section 19. Subsections (4) through (10) of section 403.087, Florida Statutes, are renumbered as subsections (5) through (11), respectively, and a new subsection (4) is added to that section to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(4) The department shall issue an operation permit for a domestic wastewater treatment facility other than a facility regulated under the National Pollutant Discharge Elimination System Program under s. 403.0885 for a term of up to 10 years if the facility is meeting the stated goals in its action plan adopted pursuant to s. 403.086(7).

Section 20. Subsections (3) and (4) of section 403.088, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraph (c) of subsection (2) is amended, and a new subsection (3) is added to that section, to read:

403.088 Water pollution operation permits; conditions.—

(2)

(c) A permit shall:

1. Specify the manner, nature, volume, and frequency of the discharge permitted;

2251           2. Require proper operation and maintenance of any  
2252 pollution abatement facility by qualified personnel in  
2253 accordance with standards established by the department;

2254           3. Require a deliberate, proactive approach to  
2255 investigating or surveying a significant percentage of the  
2256 domestic wastewater collection system throughout the duration of  
2257 the permit to determine pipe integrity, which must be  
2258 accomplished in an economically feasible manner. The permittee  
2259 shall submit an annual report to the department which details  
2260 facility revenues and expenditures in a manner prescribed by  
2261 department rule. The report must detail any deviation of annual  
2262 expenditures from identified system needs related to inflow and  
2263 infiltration studies; model plans for pipe assessment, repair,  
2264 and replacement; and pipe assessment, repair, and replacement  
2265 required under s. 403.086(7). Substantial compliance with this  
2266 subsection is evidence in mitigation for the purposes of  
2267 assessing penalties pursuant to ss. 403.121 and 403.141;

2268           ~~4.3.~~ Contain such additional conditions, requirements, and  
2269 restrictions as the department deems necessary to preserve and  
2270 protect the quality of the receiving waters;

2271           ~~5.4.~~ Be valid for the period of time specified therein;  
2272 and

2273           ~~6.5.~~ Constitute the state National Pollutant Discharge  
2274 Elimination System permit when issued pursuant to the authority  
2275 in s. 403.0885.

2276        (3) No later than March 1 of each year, the department  
2277        shall submit a report to the Governor, the President of the  
2278        Senate, and the Speaker of the House of Representatives which  
2279        identifies all domestic wastewater treatment facilities that  
2280        experienced a sanitary sewer overflow in the preceding calendar  
2281        year. The report must identify the name of the utility or  
2282        responsible operating entity, permitted capacity in annual  
2283        average gallons per day, number of overflows, type of water  
2284        discharged, total volume of sewage released, and, to the extent  
2285        known and available, volume of sewage recovered, volume of  
2286        sewage discharged to surface waters, and cause of the sanitary  
2287        sewer overflow, including whether the overflow was caused by a  
2288        third party. The department shall include with this report the  
2289        annual report specified under subparagraph (2)(c)3. for each  
2290        utility that experienced an overflow.

2291        Section 21. Subsection (6) of section 403.0891, Florida  
2292        Statutes, is amended to read:

2293        403.0891 State, regional, and local stormwater management  
2294        plans and programs.—The department, the water management  
2295        districts, and local governments shall have the responsibility  
2296        for the development of mutually compatible stormwater management  
2297        programs.

2298        (6) The department and the Department of Economic  
2299        Opportunity, in cooperation with local governments in the  
2300        coastal zone, shall develop a model stormwater management

PCS for HB 1343

ORIGINAL

2020

2301 program that could be adopted by local governments. The model  
2302 program must contain model ordinances that target nutrient  
2303 reduction practices and use green infrastructure. The model  
2304 program shall contain dedicated funding options, including a  
2305 stormwater utility fee system based upon an equitable unit cost  
2306 approach. Funding options shall be designed to generate capital  
2307 to retrofit existing stormwater management systems, build new  
2308 treatment systems, operate facilities, and maintain and service  
2309 debt.

2310 Section 22. Paragraphs (b) and (g) of subsection (2),  
2311 paragraph (b) of subsection (3), and subsections (8) and (9) of  
2312 section 403.121, Florida Statutes, are amended to read:

2313 403.121 Enforcement; procedure; remedies.—The department  
2314 shall have the following judicial and administrative remedies  
2315 available to it for violations of this chapter, as specified in  
2316 s. 403.161(1).

2317 (2) Administrative remedies:

2318 (b) If the department has reason to believe a violation  
2319 has occurred, it may institute an administrative proceeding to  
2320 order the prevention, abatement, or control of the conditions  
2321 creating the violation or other appropriate corrective action.  
2322 Except for violations involving hazardous wastes, asbestos, or  
2323 underground injection, the department shall proceed  
2324 administratively in all cases in which the department seeks  
2325 administrative penalties that do not exceed \$50,000 ~~\$10,000~~ per

PCS for HB 1343

ORIGINAL

2020

assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 may not ~~shall~~ be ~~not~~ less than \$1,000 per day per violation. The department may ~~shall~~ not impose administrative penalties in excess of \$50,000 ~~\$10,000~~ in a notice of violation. The department may ~~shall~~ not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(g) This subsection does not prevent ~~Nothing herein shall be construed as preventing~~ any other legal or administrative action in accordance with law and does not. ~~Nothing in this subsection shall~~ limit the department's authority provided in s. 403.131, s. 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of \$50,000 ~~\$10,000~~ for violations not specifically included in the

administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, ~~either~~ before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in the court action for less than \$50,000 ~~\$10,000~~.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of \$2,000 ~~\$1,000~~. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or unauthorized discharge or effluent-limitation exceedance or for failure to comply with s. 403.061(14) or s. 403.086(7) or rules adopted thereunder. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface

PCS for HB 1343

ORIGINAL

2020

2376 water or groundwater quality violation, the department shall  
2377 assess a penalty of \$10,000 ~~\$5,000~~.

2378 (8) The direct economic benefit gained by the violator  
2379 from the violation, where consideration of economic benefit is  
2380 provided by Florida law or required by federal law as part of a  
2381 federally delegated or approved program, must ~~shall~~ be added to  
2382 the scheduled administrative penalty. The total administrative  
2383 penalty, including any economic benefit added to the scheduled  
2384 administrative penalty, may ~~shall~~ not exceed \$10,000.

2385 (9) The administrative penalties assessed for any  
2386 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against  
2387 any one violator, unless the violator has a history of  
2388 noncompliance, the economic benefit of the violation as  
2389 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are  
2390 multiday violations. The total administrative penalties may  
2391 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all  
2392 violations attributable to a specific person in the notice of  
2393 violation.

2394 Section 23. Subsection (7) of section 403.1835, Florida  
2395 Statutes, is amended to read:

2396 403.1835 Water pollution control financial assistance.—

2397 (7) Eligible projects must be given priority according to  
2398 the extent each project is intended to remove, mitigate, or  
2399 prevent adverse effects on surface or ground water quality and  
2400 public health. The relative costs of achieving environmental and



2401 public health benefits must be taken into consideration during  
2402 the department's assignment of project priorities. The  
2403 department shall adopt a priority system by rule. In developing  
2404 the priority system, the department shall give priority to  
2405 projects that:

2406 (a) Eliminate public health hazards;

2407 (b) Enable compliance with laws requiring the elimination  
2408 of discharges to specific water bodies, including the  
2409 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic  
2410 wastewater ocean outfalls;

2411 (c) Assist in the implementation of total maximum daily  
2412 loads adopted under s. 403.067;

2413 (d) Enable compliance with other pollution control  
2414 requirements, including, but not limited to, toxics control,  
2415 wastewater residuals management, and reduction of nutrients and  
2416 bacteria;

2417 (e) Assist in the implementation of surface water  
2418 improvement and management plans and pollutant load reduction  
2419 goals developed under state water policy;

2420 (f) Promote reclaimed water reuse;

2421 (g) Eliminate failing onsite sewage treatment and disposal  
2422 systems or those that are causing environmental damage; ~~or~~

2423 (h) Reduce pollutants to and otherwise promote the  
2424 restoration of Florida's surface and ground waters;

2425 (i) Implement the requirements of s. 403.086(7) or s.

PCS for HB 1343

ORIGINAL

2020

2426 403.088(2)(c); or

2427 (j) Promote efficiency by planning for the installation of  
2428 wastewater transmission facilities to be constructed  
2429 concurrently with other construction projects occurring within  
2430 or along a transportation facility right-of-way.

2431 Section 24. Paragraph (b) of subsection (3) of section  
2432 403.1838, Florida Statutes, is amended to read:

2433 403.1838 Small Community Sewer Construction Assistance  
2434 Act.—

2435 (3)

2436 (b) The rules of the Environmental Regulation Commission  
2437 must:

2438 1. Require that projects to plan, design, construct,  
2439 upgrade, or replace wastewater collection, transmission,  
2440 treatment, disposal, and reuse facilities be cost-effective,  
2441 environmentally sound, permittable, and implementable.

2442 2. Require appropriate user charges, connection fees, and  
2443 other charges sufficient to ensure the long-term operation,  
2444 maintenance, and replacement of the facilities constructed under  
2445 each grant.

2446 3. Require grant applications to be submitted on  
2447 appropriate forms with appropriate supporting documentation, and  
2448 require records to be maintained.

2449 4. Establish a system to determine eligibility of grant  
2450 applications.

PCS for HB 1343

ORIGINAL

2020

2451           5. Establish a system to determine the relative priority  
2452 of grant applications. The system must consider public health  
2453 protection and water pollution prevention or abatement and must  
2454 prioritize projects that plan for the installation of wastewater  
2455 transmission facilities to be constructed concurrently with  
2456 other construction projects occurring within or along a  
2457 transportation facility right-of-way.

2458           6. Establish requirements for competitive procurement of  
2459 engineering and construction services, materials, and equipment.

2460           7. Provide for termination of grants when program  
2461 requirements are not met.

2462           Section 25. Subsection (9) is added to section 403.412,  
2463 Florida Statutes, to read:

2464           403.412 Environmental Protection Act.—

2465           (9) (a) A local government regulation, ordinance, code,  
2466 rule, comprehensive plan, charter, or any other provision of law  
2467 may not recognize or grant any legal rights to a plant, an  
2468 animal, a body of water, or any other part of the natural  
2469 environment that is not a person or political subdivision as  
2470 defined in s. 1.01 or grant such person or political subdivision  
2471 any specific rights relating to the natural environment not  
2472 otherwise authorized in general law or specifically granted in  
2473 the State Constitution.

2474           (b) This subsection does not limit the power of an  
2475 adversely affected party to challenge the consistency of a

PCS for HB 1343

ORIGINAL

2020

development order with a comprehensive plan as provided in s. 163.3215 or to file an action for injunctive relief to enforce the terms of a development agreement or challenge compliance of the agreement as provided in s. 163.3243.

(c) This subsection does not limit the standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as provided in this section.

Section 26. The Legislature determines and declares that this act fulfills an important state interest.

Section 27. Effective July 1, 2021, subsection (5) of section 153.54, Florida Statutes, is amended to read:

153.54 Preliminary report by county commissioners with respect to creation of proposed district.—Upon receipt of a petition duly signed by not less than 25 qualified electors who are also freeholders residing within an area proposed to be incorporated into a water and sewer district pursuant to this law and describing in general terms the proposed boundaries of such proposed district, the board of county commissioners if it shall deem it necessary and advisable to create and establish such proposed district for the purpose of constructing, establishing or acquiring a water system or a sewer system or both in and for such district (herein called "improvements"), shall first cause a preliminary report to be made which such report together with any other relevant or pertinent matters,

PCS for HB 1343

ORIGINAL

2020

shall include at least the following:

(5) For the construction of a new proposed central sewerage system or the extension of an existing central sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection ~~Health~~ on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed central sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection ~~Health~~ and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority.

Such report shall be filed in the office of the clerk of the circuit court and shall be open for the inspection of any taxpayer, property owner, qualified elector or any other

interested or affected person.

Section 28. Effective July 1, 2021, paragraph (c) of subsection (2) of section 153.73, Florida Statutes, is amended to read:

153.73 Assessable improvements; levy and payment of special assessments.—Any district may provide for the construction or reconstruction of assessable improvements as defined in s. 153.52, and for the levying of special assessments upon benefited property for the payment thereof, under the provisions of this section.

(2)

(c) For the construction of a new proposed central sewerage system or the extension of an existing central sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection ~~Health~~ on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed central sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection ~~Health~~ and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's

PCS for HB 1343

ORIGINAL

2020

obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority.

Section 29. Effective July 1, 2021, subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Before ~~Prior to~~ approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Environmental Protection ~~Health~~ to serve new development.

Section 30. Effective July 1, 2021, subsection (3) of

PCS for HB 1343

ORIGINAL

2020

2576 section 180.03, Florida Statutes, is amended to read:

2577 180.03 Resolution or ordinance proposing construction or  
2578 extension of utility; objections to same.—

2579 (3) For the construction of a new proposed central  
2580 sewerage system or the extension of an existing central sewerage  
2581 system that was not previously approved, the report shall  
2582 include a study that includes the available information from the  
2583 Department of Environmental Protection ~~Health~~ on the history of  
2584 onsite sewage treatment and disposal systems currently in use in  
2585 the area and a comparison of the projected costs to the owner of  
2586 a typical lot or parcel of connecting to and using the proposed  
2587 central sewerage system versus installing, operating, and  
2588 properly maintaining an onsite sewage treatment and disposal  
2589 system that is approved by the Department of Environmental  
2590 Protection ~~Health~~ and that provides for the comparable level of  
2591 environmental and health protection as the proposed central  
2592 sewerage system; consideration of the local authority's  
2593 obligations or reasonably anticipated obligations for water body  
2594 cleanup and protection under state or federal programs,  
2595 including requirements for water bodies listed under s. 303(d)  
2596 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
2597 et seq.; and other factors deemed relevant by the local  
2598 authority. The results of the ~~such a~~ study shall be included in  
2599 the resolution or ordinance required under subsection (1).

2600 Section 31. Subsections (2), (3), and (6) of section



PCS for HB 1343

ORIGINAL

2020

311.105, Florida Statutes, are amended to read:

311.105 Florida Seaport Environmental Management  
Committee; permitting; mitigation.—

(2) Each application for a permit authorized pursuant to  
s. 403.061(38) ~~s. 403.061(37)~~ must include:

(a) A description of maintenance dredging activities to be  
conducted and proposed methods of dredged-material management.

(b) A characterization of the materials to be dredged and  
the materials within dredged-material management sites.

(c) A description of dredged-material management sites and  
plans.

(d) A description of measures to be undertaken, including  
environmental compliance monitoring, to minimize adverse  
environmental effects of maintenance dredging and dredged-  
material management.

(e) Such scheduling information as is required to  
facilitate state supplementary funding of federal maintenance  
dredging and dredged-material management programs consistent  
with beach restoration criteria of the Department of  
Environmental Protection.

(3) Each application for a permit authorized pursuant to  
s. 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~  
paragraphs (2)(b)-(e) and the following:

(a) A description of dredging and dredged-material  
management and other related activities associated with port

PCS for HB 1343

ORIGINAL

2020

development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(b) A discussion of environmental mitigation as is proposed for dredging and dredged-material management for port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(6) Dredged-material management activities authorized pursuant to s. 403.061(38) or (39) ~~s. 403.061(37) or (38)~~ shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

Section 32. Paragraph (d) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(d) Owners of private submerged lands that are adjacent to Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~

PCS for HB 1343

ORIGINAL

2020

2651 ~~403.061(27)~~, or an aquatic preserve established under ss.  
2652 258.39-258.399 may request that the commission establish  
2653 boating-restricted areas solely to protect any seagrass and  
2654 contiguous seagrass habitat within their private property  
2655 boundaries from seagrass scarring due to propeller dredging.  
2656 Owners making a request pursuant to this paragraph must  
2657 demonstrate to the commission clear ownership of the submerged  
2658 lands. The commission shall adopt rules to implement this  
2659 paragraph, including, but not limited to, establishing an  
2660 application process and criteria for meeting the requirements of  
2661 this paragraph. Each approved boating-restricted area shall be  
2662 established by commission rule. For marking boating-restricted  
2663 zones established pursuant to this paragraph, owners of  
2664 privately submerged lands shall apply to the commission for a  
2665 uniform waterway marker permit in accordance with ss. 327.40 and  
2666 327.41, and shall be responsible for marking the boating-  
2667 restricted zone in accordance with the terms of the permit.

2668 Section 33. Paragraph (d) of subsection (3) of section  
2669 373.250, Florida Statutes, is amended to read:

2670 373.250 Reuse of reclaimed water.—

2671 (3)

2672 (d) The South Florida Water Management District shall  
2673 require the use of reclaimed water made available by the  
2674 elimination of wastewater ocean outfall discharges as provided  
2675 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or

PCS for HB 1343

ORIGINAL

2020

groundwater when the use of reclaimed water is available; is environmentally, economically, and technically feasible; and is of such quality and reliability as is necessary to the user. Such reclaimed water may also be required in lieu of other alternative sources. In determining whether to require such reclaimed water in lieu of other alternative sources, the water management district shall consider existing infrastructure investments in place or obligated to be constructed by an executed contract or similar binding agreement as of July 1, 2011, for the development of other alternative sources.

Section 34. Subsection (9) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(9) The department and the governing boards, on or before July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~ this section, relying primarily on the existing rules of the department and the water management districts, into the rules governing the management and storage of surface waters. Such rules shall seek to achieve a statewide, coordinated and consistent permitting approach to activities regulated under this part. Variations in permitting criteria in the rules of individual water management districts or the department shall only be provided to address differing physical or natural characteristics. Such rules adopted pursuant to this subsection

PCS for HB 1343

ORIGINAL

2020

shall include the special criteria adopted pursuant to s. 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules shall include a provision requiring that a notice of intent to deny or a permit denial based upon this section shall contain an explanation of the reasons for such denial and an explanation, in general terms, of what changes, if any, are necessary to address such reasons for denial. Such rules may establish exemptions and general permits, if such exemptions and general permits do not allow significant adverse impacts to occur individually or cumulatively. Such rules may require submission of proof of financial responsibility which may include the posting of a bond or other form of surety prior to the commencement of construction to provide reasonable assurance that any activity permitted pursuant to this section, including any mitigation for such permitted activity, will be completed in accordance with the terms and conditions of the permit once the construction is commenced. Until rules adopted pursuant to this subsection become effective, existing rules adopted under this part and rules adopted pursuant to the authority of ss. 403.91-403.929 shall be deemed authorized under this part and shall remain in full force and effect. Neither the department nor the governing boards are limited or prohibited from amending any such rules.

Section 35. Paragraph (b) of subsection (4) of section

PCS for HB 1343

ORIGINAL

2020

2726 373.705, Florida Statutes, is amended to read:

2727 373.705 Water resource development; water supply  
2728 development.—

2729 (4)

2730 (b) Water supply development projects that meet the  
2731 criteria in paragraph (a) and that meet one or more of the  
2732 following additional criteria shall be given first consideration  
2733 for state or water management district funding assistance:

2734 1. The project brings about replacement of existing  
2735 sources in order to help implement a minimum flow or minimum  
2736 water level;

2737 2. The project implements reuse that assists in the  
2738 elimination of domestic wastewater ocean outfalls as provided in  
2739 s. 403.086(10) ~~s. 403.086(9)~~; or

2740 3. The project reduces or eliminates the adverse effects  
2741 of competition between legal users and the natural system.

2742 Section 36. Paragraph (f) of subsection (8) of section  
2743 373.707, Florida Statutes, is amended to read:

2744 373.707 Alternative water supply development.—

2745 (8)

2746 (f) The governing boards shall determine those projects  
2747 that will be selected for financial assistance. The governing  
2748 boards may establish factors to determine project funding;  
2749 however, significant weight shall be given to the following  
2750 factors:

PCS for HB 1343

ORIGINAL

2020

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water is a major component.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

8. Whether the project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in s. 403.086(10) ~~s. 403.086(9)~~.

9. Whether the county or municipality, or the multiple counties or municipalities, in which the project is located has implemented a high-water recharge protection tax assessment

PCS for HB 1343

ORIGINAL

2020

2776 program as provided in s. 193.625.

2777 Section 37. Subsection (4) of section 373.709, Florida  
2778 Statutes, is amended to read:

2779 373.709 Regional water supply planning.—

2780 (4) The South Florida Water Management District shall  
2781 include in its regional water supply plan water resource and  
2782 water supply development projects that promote the elimination  
2783 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~  
2784 ~~403.086(9)~~.

2785 Section 38. Effective July 1, 2021, subsection (3) of  
2786 section 373.807, Florida Statutes, is amended to read:

2787 373.807 Protection of water quality in Outstanding Florida  
2788 Springs.—By July 1, 2016, the department shall initiate  
2789 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
2790 Springs or spring systems for which an impairment determination  
2791 has not been made under the numeric nutrient standards in effect  
2792 for spring vents. Assessments must be completed by July 1, 2018.

2793 (3) As part of a basin management action plan that  
2794 includes an Outstanding Florida Spring, the department, ~~the~~  
2795 ~~Department of Health,~~ relevant local governments, and relevant  
2796 local public and private wastewater utilities shall develop an  
2797 onsite sewage treatment and disposal system remediation plan for  
2798 a spring if the department determines onsite sewage treatment  
2799 and disposal systems within a priority focus area contribute at  
2800 least 20 percent of nonpoint source nitrogen pollution or if the



department determines remediation is necessary to achieve the total maximum daily load. The plan shall identify cost-effective and financially feasible projects necessary to reduce the nutrient impacts from onsite sewage treatment and disposal systems and shall be completed and adopted as part of the basin management action plan no later than the first 5-year milestone required by subparagraph (1)(b)8. The department is the lead agency in coordinating the preparation of and the adoption of the plan. The department shall:

(a) Collect and evaluate credible scientific information on the effect of nutrients, particularly forms of nitrogen, on springs and springs systems; and

(b) Develop a public education plan to provide area residents with reliable, understandable information about onsite sewage treatment and disposal systems and springs.

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in

PCS for HB 1343

ORIGINAL

2020

the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

Section 39. Paragraph (k) of subsection (1) of section 376.307, Florida Statutes, is amended to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(k) For funding activities described in s. 403.086(10) ~~s. 403.086(9)~~ which are authorized for implementation under the

PCS for HB 1343

ORIGINAL

2020

Leah Schad Memorial Ocean Outfall Program.

Section 40. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11) ~~403.086(10)~~, as applicable.

(4) REMOVAL OF DESIGNATION.—

(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:

1. All of the work program tasks have been completed,

PCS for HB 1343

ORIGINAL

2020

including construction of, operation of, and connection to  
central wastewater management facilities pursuant to s.  
403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage  
treatment and disposal systems pursuant to s. 381.0065(4)(1);

2. All local comprehensive plans and land development  
regulations and the administration of such plans and regulations  
are adequate to protect the Florida Keys Area, fulfill the  
legislative intent specified in subsection (2), and are  
consistent with and further the principles guiding development;  
and

3. A local government has adopted a resolution at a public  
hearing recommending the removal of the designation.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
and local agencies and units of government in the Florida Keys  
Area shall coordinate their plans and conduct their programs and  
regulatory activities consistent with the principles for guiding  
development as specified in chapter 27F-8, Florida  
Administrative Code, as amended effective August 23, 1984, which  
is adopted and incorporated herein by reference. For the  
purposes of reviewing the consistency of the adopted plan, or  
any amendments to that plan, with the principles for guiding  
development, and any amendments to the principles, the  
principles shall be construed as a whole and specific provisions  
may not be construed or applied in isolation from the other  
provisions. However, the principles for guiding development are

repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss.

381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or

PCS for HB 1343

ORIGINAL

2020

collection systems that meet or exceed the criteria in s.  
403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal  
facilities or s. 381.0065(4)(1) for onsite sewage treatment and  
disposal systems.

2. Goals, objectives, and policies to protect public  
safety and welfare in the event of a natural disaster by  
maintaining a hurricane evacuation clearance time for permanent  
residents of no more than 24 hours. The hurricane evacuation  
clearance time shall be determined by a hurricane evacuation  
study conducted in accordance with a professionally accepted  
methodology and approved by the state land planning agency.

Section 41. Effective July 1, 2021, section 381.006,  
Florida Statutes, is amended to read:

381.006 Environmental health.—The Department of Health  
shall conduct an environmental health program as part of  
fulfilling the state's public health mission. The purpose of  
this program is to detect and prevent disease caused by natural  
and manmade factors in the environment. The environmental health  
program shall include, but not be limited to:

(1) A drinking water function.

(2) An environmental health surveillance function which  
shall collect, compile, and correlate information on public  
health and exposure to hazardous substances through sampling and  
testing of water, air, or foods. Environmental health  
surveillance shall include a comprehensive assessment of

PCS for HB 1343

ORIGINAL

2020

drinking water under the department's supervision and an indoor air quality testing and monitoring program to assess health risks from exposure to chemical, physical, and biological agents in the indoor environment.

(3) A toxicology and hazard assessment function which shall conduct toxicological and human health risk assessments of exposure to toxic agents, for the purposes of:

(a) Supporting determinations by the State Health Officer of safe levels of contaminants in water, air, or food if applicable standards or criteria have not been adopted. These determinations shall include issuance of health advisories to protect the health and safety of the public at risk from exposure to toxic agents.

(b) Provision of human toxicological health risk assessments to the public and other governmental agencies to characterize the risks to the public from exposure to contaminants in air, water, or food.

(c) Consultation and technical assistance to the Department of Environmental Protection and other governmental agencies on actions necessary to ameliorate exposure to toxic agents, including the emergency provision by the Department of Environmental Protection of drinking water in cases of drinking water contamination that present an imminent and substantial threat to the public's health, as required by s.

376.30(3)(c)1.a.

PCS for HB 1343

ORIGINAL

2020

(d) Monitoring and reporting the body burden of toxic agents to estimate past exposure to these toxic agents, predict future health effects, and decrease the incidence of poisoning by identifying and eliminating exposure.

(4) A sanitary nuisance function, as that term is defined in chapter 386.

(5) A migrant labor function.

(6) A public facilities function, including sanitary practices relating to state, county, municipal, and private institutions serving the public; jointly with the Department of Education, publicly and privately owned schools; all places used for the incarceration of prisoners and inmates of state institutions for the mentally ill; toilets and washrooms in all public places and places of employment; any other condition, place, or establishment necessary for the control of disease or the protection and safety of public health.

~~(7) An onsite sewage treatment and disposal function.~~

(7)~~(8)~~ A biohazardous waste control function.

(8)~~(9)~~ A function to control diseases transmitted from animals to humans, including the segregation, quarantine, and destruction of domestic pets and wild animals having or suspected of having such diseases.

(9)~~(10)~~ An environmental epidemiology function which shall investigate food-borne disease, waterborne disease, and other diseases of environmental causation, whether of chemical,



PCS for HB 1343

ORIGINAL

2020

radiological, or microbiological origin. A \$10 surcharge for this function shall be assessed upon all persons permitted under chapter 500. This function shall include an educational program for physicians and health professionals designed to promote surveillance and reporting of environmental diseases, and to further the dissemination of knowledge about the relationship between toxic substances and human health which will be useful in the formulation of public policy and will be a source of information for the public.

(10)~~(11)~~ Mosquito and pest control functions as provided in chapters 388 and 482.

(11)~~(12)~~ A radiation control function as provided in chapter 404 and part IV of chapter 468.

(12)~~(13)~~ A public swimming and bathing facilities function as provided in chapter 514.

(13)~~(14)~~ A mobile home park, lodging park, recreational vehicle park, and recreational camp function as provided in chapter 513.

(14)~~(15)~~ A sanitary facilities function, which shall include minimum standards for the maintenance and sanitation of sanitary facilities; public access to sanitary facilities; and fixture ratios for special or temporary events and for homeless shelters.

(15)~~(16)~~ A group-care-facilities function. As used in this subsection, the term "group care facility" means any public or

PCS for HB 1343

ORIGINAL

2020

3026 private school, assisted living facility, adult family-care  
3027 home, adult day care center, short-term residential treatment  
3028 center, residential treatment facility, home for special  
3029 services, transitional living facility, crisis stabilization  
3030 unit, hospice, prescribed pediatric extended care center,  
3031 intermediate care facility for persons with developmental  
3032 disabilities, or boarding school. The department may adopt rules  
3033 necessary to protect the health and safety of residents, staff,  
3034 and patrons of group care facilities. Rules related to public  
3035 and private schools shall be developed by the Department of  
3036 Education in consultation with the department. Rules adopted  
3037 under this subsection may include definitions of terms;  
3038 provisions relating to operation and maintenance of facilities,  
3039 buildings, grounds, equipment, furnishings, and occupant-space  
3040 requirements; lighting; heating, cooling, and ventilation; food  
3041 service; water supply and plumbing; sewage; sanitary facilities;  
3042 insect and rodent control; garbage; safety; personnel health,  
3043 hygiene, and work practices; and other matters the department  
3044 finds are appropriate or necessary to protect the safety and  
3045 health of the residents, staff, students, faculty, or patrons.  
3046 The department may not adopt rules that conflict with rules  
3047 adopted by the licensing or certifying agency. The department  
3048 may enter and inspect at reasonable hours to determine  
3049 compliance with applicable statutes or rules. In addition to any  
3050 sanctions that the department may impose for violations of rules

PCS for HB 1343

ORIGINAL

2020

3051 adopted under this section, the department shall also report  
3052 such violations to any agency responsible for licensing or  
3053 certifying the group care facility. The licensing or certifying  
3054 agency may also impose any sanction based solely on the findings  
3055 of the department.

3056 (16)~~(17)~~ A function for investigating elevated levels of  
3057 lead in blood. Each participating county health department may  
3058 expend funds for federally mandated certification or  
3059 recertification fees related to conducting investigations of  
3060 elevated levels of lead in blood.

3061 (17)~~(18)~~ A food service inspection function for domestic  
3062 violence centers that are certified by the Department of  
3063 Children and Families and monitored by the Florida Coalition  
3064 Against Domestic Violence under part XII of chapter 39 and group  
3065 care homes as described in subsection (15)~~(16)~~, which shall be  
3066 conducted annually and be limited to the requirements in  
3067 department rule applicable to community-based residential  
3068 facilities with five or fewer residents.

3069  
3070 The department may adopt rules to carry out ~~the provisions of~~  
3071 this section.

3072 Section 42. Effective July 1, 2021, subsection (1) of  
3073 section 381.0061, Florida Statutes, is amended to read:

3074 381.0061 Administrative fines.—

3075 (1) In addition to any administrative action authorized by

chapter 120 or by other law, the department may impose a fine, which shall not exceed \$500 for each violation, for a violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of any of the provisions of chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

Section 43. Effective July 1, 2021, subsection (1) of section 381.0064, Florida Statutes, is amended to read:

381.0064 Continuing education courses for persons installing or servicing septic tanks.—

(1) The Department of Environmental Protection ~~Health~~ shall establish a program for continuing education which meets the purposes of ss. 381.0101 and 489.554 regarding the public health and environmental effects of onsite sewage treatment and disposal systems and any other matters the department determines desirable for the safe installation and use of onsite sewage treatment and disposal systems. The department may charge a fee to cover the cost of such program.

Section 44. Effective July 1, 2021, paragraph (g) of subsection (1) of section 381.0101, Florida Statutes, is amended to read:

381.0101 Environmental health professionals.—

PCS for HB 1343

ORIGINAL

2020

(1) DEFINITIONS.—As used in this section:

(g) "Primary environmental health program" means those programs determined by the department to be essential for providing basic environmental and sanitary protection to the public. At a minimum, these programs shall include food protection program work ~~and onsite sewage treatment and disposal system evaluations.~~

Section 45. Section 403.08601, Florida Statutes, is amended to read:

403.08601 Leah Schad Memorial Ocean Outfall Program.—The Legislature declares that as funds become available the state may assist the local governments and agencies responsible for implementing the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from other sources provided for in law, the General Appropriations Act, from gifts designated for implementation of the plan from individuals, corporations, or other entities, or federal funds appropriated by Congress for implementation of the plan, may be deposited into an account of the Water Quality Assurance Trust Fund.

Section 46. Section 403.0871, Florida Statutes, is amended to read:

403.0871 Florida Permit Fee Trust Fund.—There is established within the department a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received

3126 from applicants for permits pursuant to ss. 161.041, 161.053,  
3127 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be  
3128 deposited in the Florida Permit Fee Trust Fund and shall be used  
3129 by the department with the advice and consent of the Legislature  
3130 to supplement appropriations and other funds received by the  
3131 department for the administration of its responsibilities under  
3132 this chapter and chapter 161. In no case shall funds from the  
3133 Florida Permit Fee Trust Fund be used for salary increases  
3134 without the approval of the Legislature.

3135 Section 47. Paragraph (a) of subsection (11) of section  
3136 403.0872, Florida Statutes, is amended to read:

3137 403.0872 Operation permits for major sources of air  
3138 pollution; annual operation license fee.—Provided that program  
3139 approval pursuant to 42 U.S.C. s. 7661a has been received from  
3140 the United States Environmental Protection Agency, beginning  
3141 January 2, 1995, each major source of air pollution, including  
3142 electrical power plants certified under s. 403.511, must obtain  
3143 from the department an operation permit for a major source of  
3144 air pollution under this section. This operation permit is the  
3145 only department operation permit for a major source of air  
3146 pollution required for such source; provided, at the applicant's  
3147 request, the department shall issue a separate acid rain permit  
3148 for a major source of air pollution that is an affected source  
3149 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
3150 for major sources of air pollution, except general permits

3151 issued pursuant to s. 403.814, must be issued in accordance with  
3152 the procedures contained in this section and in accordance with  
3153 chapter 120; however, to the extent that chapter 120 is  
3154 inconsistent with ~~the provisions of~~ this section, the procedures  
3155 contained in this section prevail.

3156       (11) Each major source of air pollution permitted to  
3157 operate in this state must pay between January 15 and April 1 of  
3158 each year, upon written notice from the department, an annual  
3159 operation license fee in an amount determined by department  
3160 rule. The annual operation license fee shall be terminated  
3161 immediately in the event the United States Environmental  
3162 Protection Agency imposes annual fees solely to implement and  
3163 administer the major source air-operation permit program in  
3164 Florida under 40 C.F.R. s. 70.10(d).

3165       (a) The annual fee must be assessed based upon the  
3166 source's previous year's emissions and must be calculated by  
3167 multiplying the applicable annual operation license fee factor  
3168 times the tons of each regulated air pollutant actually emitted,  
3169 as calculated in accordance with the department's emissions  
3170 computation and reporting rules. The annual fee shall only apply  
3171 to those regulated pollutants, except carbon monoxide and  
3172 greenhouse gases, for which an allowable numeric emission  
3173 limiting standard is specified in the source's most recent  
3174 construction or operation permit; provided, however, that:

3175       1. The license fee factor is \$25 or another amount

PCS for HB 1343

ORIGINAL

2020

determined by department rule which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond \$25 only if the secretary of the department affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed \$35.

2. The amount of each regulated air pollutant in excess of 4,000 tons per year emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.

3. If the department has not received the fee by March 1 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by April 1. If the fee is not postmarked by April 1 of the calendar year, the department shall impose, in addition to the fee, a penalty



PCS for HB 1343

ORIGINAL

2020

of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and may ~~shall~~ not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to \$50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

4. Notwithstanding the computational provisions of this subsection, the annual operation license fee for any source subject to this section may ~~shall~~ not be less than \$250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814 may ~~shall~~ not exceed \$50 per year.

5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes ~~the provisions of s. 403.087(6)(a)5.a., authorizing~~ air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C

PCS for HB 1343

ORIGINAL

2020

or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873. The department shall, however, require fees pursuant to s. 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

Section 48. Paragraph (d) of subsection (3) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(3)

(d) The department may adopt rules to administer this subsection. However, the department is not required to submit such rules to the Environmental Regulation Commission for approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s. 403.087(6)(a)~~, permit fee caps for solid waste management facilities shall be prorated to reflect the extended permit term authorized by this subsection.

Section 49. Subsections (8) and (21) of section 403.861, Florida Statutes, are amended to read:

403.861 Department; powers and duties.—The department

PCS for HB 1343

ORIGINAL

2020

shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(8) Initiate rulemaking to increase each drinking water permit application fee authorized under s. 403.087(7) ~~s. 403.087(6)~~ and this part and adopted by rule to ensure that such fees are increased to reflect, at a minimum, any upward adjustment in the Consumer Price Index compiled by the United States Department of Labor, or similar inflation indicator, since the original fee was established or most recently revised.

(a) The department shall establish by rule the inflation index to be used for this purpose. The department shall review the drinking water permit application fees authorized under s. 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5 years and shall adjust the fees upward, as necessary, within the established fee caps to reflect changes in the Consumer Price Index or similar inflation indicator. In the event of deflation, the department shall consult with the Executive Office of the Governor and the Legislature to determine whether downward fee adjustments are appropriate based on the current budget and appropriation considerations. The department shall also review the drinking water operation license fees established pursuant to paragraph (7)(b) at least once every 5 years to adopt, as necessary, the same inflationary adjustments provided for in this subsection.

(b) The minimum fee amount shall be the minimum fee

PCS for HB 1343

ORIGINAL

2020

prescribed in this section, and such fee amount shall remain in effect until the effective date of fees adopted by rule by the department.

(21) (a) Upon issuance of a construction permit to construct a new public water system drinking water treatment facility to provide potable water supply using a surface water that, at the time of the permit application, is not being used as a potable water supply, and the classification of which does not include potable water supply as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

(b) For existing public water system drinking water treatment facilities that use a surface water as a treated potable water supply, which surface water classification does not include potable water supply as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

Section 50. Effective July 1, 2021, subsection (1) of section 489.551, Florida Statutes, is amended to read:

489.551 Definitions.—As used in this part:

(1) "Department" means the Department of Environmental Protection ~~Health~~.

Section 51. Paragraph (b) of subsection (10) of section

PCS for HB 1343

ORIGINAL

2020

590.02, Florida Statutes, is amended to read:

590.02 Florida Forest Service; powers, authority, and duties; liability; building structures; Withlacoochee Training Center.—

(10)

(b) The Florida Forest Service may delegate to a county, municipality, or special district its authority:

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and 403.081, to manage and enforce regulations pertaining to the burning of yard trash in accordance with s. 590.125(6).

2. To manage the open burning of land clearing debris in accordance with s. 590.125.

Section 52. The Division of Law Revision is directed to replace the phrase "before the rules in paragraph (e) take effect" as it is used in the amendment made by this act to s. 381.0065(4)(f), Florida Statutes, with the date such rules are adopted, as provided by the Department of Environmental Protection pursuant to s. 381.0065(4)(f), Florida Statutes, as amended by this act.

Section 53. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.